ऐसे लोगों से मैं आग्रह करूंगा कि वे शिक्षा के क्षेत्र को छोड़ दें । यह बड़ा पवित्र क्षेत्र है, उसमें किसी तरह की यूनियनबाजी और किसी तरह का भेदभाव हमेशा के लिए समाप्त हो ।

इन शब्दों के साथ मानव संसाधन राज्य मंत्री श्री साही जी ने जो बिल सदन के सामने रखा है और दिल्ली विश्वविद्यालय अधिनियम, 1922 की धाराओं में जो स्वायत्तता का नया अध्याय जोड़ा है, उसके लिए मैं भारत सरकार और विशेषकर राजीव गांधी जी को बधाई देना चाहता हूं । इन्हीं शब्दों के साथ मैं अपना वक्तव्य समाप्त करता हूं ।

धन्यवाद ।

STATUTORY RESOLUTION SEEKING APPROVAL OF PRESIDENT'S PROCLAMATION UNDER ARTICLE 356 OF THE CONSTITUTION IN RELATION TO THE STATE OF NAGALAND

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): Mr. Vice-Chairman, Sir, I beg to move ... (*Interruptions*). Rest assured, we have done according to the Constitution of India. There is nothing unconstitutional.

SHRI DIPEN GHOSH (West Bengal): After having failed to buy up the MLAs' you have imposed the President's Rule.

SHRI BUTA SINGH: Sir, I beg to move:

That this House approves the Proclamation issued by the President on the 7th August, under article 356 of the Constitution, in relation to the State of Nagaland.

Sir, the Governor of Nagaland has reported that 13 MLAs belonging to the Congress (I) Party led by Shri K. L. Chishi had conveyed their decision to break from the Party and form a new party called Congress Regional Nagaland. They also approached the Speaker of the State Assembly and sought recognition of this split. The Governor has further reported that on July 31, 1988, Shri Vamuzo, the Leader of the Opposition, informed the Governor that the Legislators belonging to the Naga National Democratic Party, the Congress Regional Nagaland Party, the Naga People's Party, and four Independent Members of the Legislative Assembly decided to work together under the name and style of Joint Regional Legislative Party and demanded the dismissal of the Government headed by Shri Hokishe Sema on the plea that it has been reduced to minority and sought invitation to form an alternative Government. On August 2 another letter signed by 32 Members belonging to the so-called JRLP reiterated their demand to dismis... (*Interruptions*).

SHRI RAM AWADHESH SINGH (Bihar): Why co-called? (*Interruptions*).

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Ram Awadesh Singh you have given your name. You are speaking on the Resolution.

SHRI BUTA SINGH: Sir, he has intervened, let me reply him So-called, because it has been superseded, it was a so-called. Now a new party has come.

AN HON. MEMBER: Who superseded?

AN HON MEMBER: It lived only for a few hours.

SHRI BUTA SINGH: They did it. I did not do it.

[**The Deputy Chairman** in the Chair].

SHRI RAM AWADHESH SINGH: Who did it?

SHRI BUTA SINGH: Vamuzo and company. They formed a party and dissolved it and formed a new party as you have done it yesterday. In one day two parties were created, Madam.

SHRI V. GOPALSAMY (Tamil Nadu): This is very wrong. It is not right on the part of the Home Minister. (*Interruptions*).

SHRI BUTA SINGH: He should have realised when he invited the intervention. This is JRLP. Madam, this JRLP was there for only a few hours. Then they formed another party. Therefore it is so-called (*Interruptions*).

THE DEPUTY CHAIRMAN: Order please.

SHRI BUTA SINGH: He raised it, that is why... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Mr. Balaram, please sit down. Order pleace.

V. GOPALSAMY: After the launching of this Front yesterday, your days in the office are numbered.

SHRI BUTA SINGH: Let us see how it works. (*Interruptions*). I was saying that the so-called JRLP reiterated their demand to dismiss the Government headed headed by Shri Hokishe Sema and to invite Shri Vamuzo.

SHRI RAM AWADESH SINGH: He should not say so-called.

SHRI BUTA SINGH: You listen to me and you ill realise what I have to say is correct. (*Interruptions*).

THE DEPUTY CHAIRMAN: Please listen.

SHRI BUTA SINGH: Further, in a press released issued... (*Interruptions*). You listen to me, you will see how. Further, after that, Madam, in a press release issued on 2nd August, it was started that all parties constituting JRLP were going to merge in one party to be called NPC. So, it is so-called, it was there and it is not there. Therefore, the Governor has also reported that on the basis of Shri Vamuzo's claim that JRLP has a combined strength of 35 members, comprising of NNDP 17, Congress Regional Nagaland 1, NPP 1 and Independents 4, the strength of the Congress I is reduced to 21 Members and there are three other Independent Members. According to the Governor, the manner in which a new party was formed by the dissident group overnight and prompt decisions taken to merge it with other opposition parties shows that the aim of the dissident group was not really to function as an independent party with an ideology or objectives of service to the people; but to topple the constitutionally elected Government by forging an alliance of convenience with the opposition with an eye on offices of profit and attendant benefits.

Madam, the Governor has further reported that the Chief Minister has complained of unconstitutional and undemocratic methods having been used by the opposition to pressurise and threaten the Members of the Legislative Assembly to obtain their support. The Chief Minister has stated that the Members of the Legislative Assembly have been kept under forcible confinement by Shri K. L. Chishi and Shri Vamuzo and that he has not been able to meet them. The Chief Minister has further indicated that many of the MLAs were cheated by Shri Chishi as they never wanted to take the drastic step of leaving the party for resolution of any of their problems and expressed their desire to return to the parent party but have not been able to do so. According to the Governor, this information has been confirmed from other reliable sources also. The Governor feels it is

obvious that what may be called a political coup of the darkest hue has been started in the absence of the Chief Minister contrary to the noble Naga character and democratic traditions. (*Interruptions*). The Governor has further stated that one of the Members of the Legislative Assembly supposed to have signed the register in front of the Speaker was actually away in Calcutta at that time. The Governor has further reported that since the process of destabilisation has started obviously due to patent inclination for personal aggrandisement of some legislators the remaining period of the life-span of the Assembly is almost certain to be bedevilled by political horse-trading in an endemic manner. The Governor feels that it is essential to forestall this grave possibility and the most feasible action would lie in discouraging the greedy from enjoying the benefits of their unprincipled manoeuvres.

The Governor has further reported that when the Opposition leaders led by Shri Vamuzo called on him on 4th August, 1988, and reiterated their demand for the dismissal of the Hokishe Sema Ministry and sought invitation to the opposition for forming an alternative Government, he had explained to them about the disconcerting reports that he had been receiving from several reliable sources to the effect that some Members were being held under forcible confinement, that they were not allowed to move freely and to carry on their political activities without fear or favour. Then, the delegation agreed to take the necessary action in this regard. However, till the time of sending this report, they had not only not honoured their assurances but had continued to confine the Members of the Assembly. The Governor has further stated that it has been reported from reliable sources that Shri Vamuzo threatened violence throughout Nagaland if his demands were not met.

The Governor has further reported that the insurgent situation in Nagaland had been contained due to the efforts of the present Government and efforts were being made to get the underground leaders to the negotiating table. In view of the known links of some of the Members of the Assembly with the underground and their past conduct, efforts at maintaining peace and resolution of any outstanding problems might suffer a serious setback Already, reports are being received regarding unusual moves of some insurgent groups. Such an adverse development could also have deleterious impact on the neighbouring States.

According to the Governor, waiting for the Assembly Session which was scheduled to commence on the 23rd August, 1988, and hoping for things to settle down would not be desirable in view of the increasing tension building up in the State. The Governor feels that during this intervening period, there would no doubt be efforts to engineer defections and redefections and that an outbreak of violence cannot be ruled out. Further, installing a Government comprising a conglomeration of political parties and independents brought together unscurupulous means with no common ideology, objectives or programmes is unlikely to ensure or provide stability or render any service to the people of Nagaland.

The Governor has further reported that the Chief Minister, Shri Hokishe Sema, informed him that it had been decided by the Cabinet that the Government should resign and the Assembly dissolved. In view of the facts recounted above, the Governor was convinced that a situation had arisen in which the Government of State could not be carried on in accordance with the provisions of the Constitution. He had, therefore, come to the conclusion

[Shri Buta Singh]

that the State should be immediately placed under President's Rule and the Assembly should be dissovled. A proclamation under article 356 of the Constitution was issued on the 7th August, 1988, and the Assembly of the State has been dissolved.

With these words, Madam, I commend the Proclamation issued on the 7th August, 1988, under article 356 of the Constitution, in relation to the State of Nagaland, for approval by this august House.

The question was proposed.

SHRI M. S. GURUPADASWAMY (Karnataka): Madam Deputy Chairman, the statement of Shri Buta Singh...

SHRI DIPEN GHOSH: It is not his. It is the Governor's statement.

SHRI M. S. GURUPADASWAMY: The statement is on expected lines. Let us, for a while, ponder over some of the reasons he has given justifying the imposition of President's Rule in Nagaland. The reasons, mainly, are: There were defections from the ruling party and that the MLAs who defected from the ruling party did not do so voluntarily of their own free will. They were kept in forced confinement. There were intimidations, threats and use of force to keep these elements together. There were unprincipled manoeuvres. And there has been and there is a link between some of these elements and the insurgents. Because of these reasons, the Governor who was not on the scene for five days reported this increasing sign of instability in Nagaland, that the constitutional government cannot be carried on in the circumstances and therefore there was no choice but to impose President's rule.

Madam, I said, the report of the Governor was on expected lines and the Minister's statement also is on expected lines. I would like to ask the Home Minister why did he go there?

SHRI V. GOPALASAMY: He went on a holiday trip.

SHRI M. S. GURUPADASWAMY: And the Surface Minister — what Surface Minister, I do not know — also was there. He surfaced there in Nagaland. I am not saying there is anything wrong; I do not say it is wrong either. I am just making a statement.

SHRI P. N. SUKUL (Uttar Pradesh): He was our Party incharge of elections there.

SHRI A. G. KULKARNI: (Maharashtra): Mr. Gurupadaswamy, you don't understand this, a senior leader like you! When Ajit Singh and Dandavate can go to Bangalore, why can't Buta and Rajesh Pilot who is incharge of that State?

SHRI M. S. GURUPADASWAMY: I would like you to wait a bit.

SHRI BUTA SINGH: Under the circumstances in which you have placed the State of Karnataka, whenever I go to Bangalore, I take the permission of Rama Krishna Hegde.

SHRI V. NARAYANASAMY (Pondicherry): They have to take the permission of Mr. N. T. Rama Rao.

SHRI PARAVATHANENI UPENDRA (Andhra Pradesh): What is the joke in that?

SHRI BUTA SINGH: He knows it. You can ask him.

SHRI M. S. GURUPADASWAMY: Madam, I have no objection. Mr. friend, Shri Kulgarniji asked me a very pertinent question: why the Surface Minister could not go there because he is in charge of the Nagaland elections? He did not say anything about Mr. Buta Singh who went there. I would have no objection if the party functionaries go there. It is their work, it is their responsibility, it is their business to see what happens

to their party, to advise their partymen what they should do. When the Home Minister goes there...

SHRI A. G. KULKARNI: He didn't go as the Home Minister. It was as a party member. He was sent by the Prime Minister, as a party member. He is Home Minister of the Government.

SHRI BUTA SINGH: I will answer his point. I go to Tamil Nadu also. Why do you worry?..... (*Interruptions*).....

SHRI V. GOPALSAMY: When you went to Tamil Nadu, there were further splits in the party there.

SHRI M. S. GURUPADASWAMY: I know, Mr. Buta Singh has two faces.

SHRI BUTA SINGH: I have many faces!

SHRI M. S. GURUPADASWAMY: One is the face of a Minister and another is the face of a party worker. I understand that. So, it suits him to claim that he went there as a party worker, as a party leader. But what is the public impression? The public impression and my impression is, Mr. Buta Singh, as Home Minister, went to Nagaland to reinstall or save his party Government by hook or crook. That is the impression.

SHRI BUTA SINGH: That is your culture. This is how you have Chief Ministers, by hook or by crook. And you send the crooks!

SHRI M. S. GURUPADASWAMY: When we come to Karnataka we will talk about it.

Madam, what are the facts? Thirteen MLAs broke away from the ruling party. It was a split—it was not a defection—and subsequently there was a new political alignment. A leader was elected, a letter was sent, and an approach was made stating that they had the majority. They were 35 in number. And the Governor was not there in the picture. He was somewhere else and he was not able to assess the situation himself directly. But the fact remains that there was a new political alignment with a leader and functionaries. In this situation, what is it that the Governor was expected to do? The first and foremost thing expected of him was to preserve and protect the Constitution. That was the oath every Governor had to take. And he had to satisfy himself, under article 356 itself, whether the conditions warrant such a Proclamation, whether there was such a situation in which the Government of the State could not be carried on in accordance with the provisions of the Constitution. That is article 356. I want to ask the Home Minister whether the Government of Nagaland headed by the new leader of the alignment could not have been carried on according to the provisions of the Constitution. If the Governor had to follow the letter and spirit of the Constitution, particularly article 356, he had no alternative but to summon the new leader to form the Government and to ask him to show his strength, to show the majority. The Assembly should have been summoned for the purpose. If, in the Assembly the new leader had failed to get the support of the majority of the Members, there is no alternative for him but to resign. President's rule was inevitable in those circumstances, not otherwise. How did the Governor assume for himself that the new government headed by a new Chief Minister itself will bring about destabilisation, instability in the State?

Some of the things that my friend, Mr. Buta Singh has said were meant for public consumption. There are insurgents, we know that. There are underground Nagas. They have not been completely eliminated. The problem of insurgency has not been adequately solved. We know that. Whether it is a Congress government or a non-Congress government, they have to deal with the insurgents for some more time. This specious argument that that is one of the reasons for subjecting the State to Pre-

[Shri M. S. Gurupadaswamy]

sident's rule is totally untenable. May I ask humbly whether the President's rule will be the cure for this insurgency? Will there be no insurgents left from today onwards?

Secondly, I ask him, because we are all representatives of the people in Parliament we believe in Parliament, we believe in democracy, we believe in elections. Does he think that President's rule or Governor's rule which in any case actually means bureaucratic rule will be better than a popular rule? Never. I am afraid, the Home Minister is not circumspect, wise. Perhaps, he did not exercise the insight or farsight in deciding upon this course of action.

In the past what happened in Jammu and Kashmir, Andhra Pradesh and other places when President's rule was introduced for partisan purposes? Take the case of Punjab. What is the main argument given to us when the Barnala government was dismissed? The argument was that there was growing instability, growing terrorism, violence and that the government was ineffective, weak. Now there is President's rule. Can I apply the same argument in Punjab? May I ask Mr. Buta Singh to apply the same argument to the Punjab situation—his argument about destabilisation, his argument about insurgency, violence and incapacity of the government to carry on?

SHRI VITHALBHAI M. PATEL (Gujarat): What is the argument? It is the Governor's report.

SHRI M. S. GURUPADASWAMY: Because he has said in the case of Punjab earlier. That was his stand. I am quoting him.

SHRI VITHALBHAI M. PATEL: The whole Cabinet has accepted the same. It is not only the Home Minister.

SHRI M. S. GURUPADASWAMY: The Home Minister represents the Cabinet. If you want to be satisfied, no objection. Therefore, let us not hoodwink or fool ourselves by advancing such specious arguments. The main motive in the whole exercise has been that the Central Government wanted to instal the Congress Government in Nagaland. So, they resorted to foul means. The means which are objectionable were resorted to by you. You resorted to partisan manoeuvring in Nagaland. You resorted to force, intimidation, offering temptations, uttering half-truths saying they were confined in Circuit House or something like that. Do you think the MLAs are fool and children that they can be confined for long like that? You tried to win them back. If you had won them back, you would have certainly formed a Congress Government again. I am sure of that. You could not succeed.

SHRI PARVATHANENI UPENDRA: ...In spite of lot of money.

SHRI M. S. GURUPADASWAMY: Madam, your own partymen say what you have done in Nagaland was stupid. It was nothing but stupid. It will boomerang on you. By sabotaging the legitimate political process, by sabotaging, perverting and subverting the normal democratic procedure and trying to undermine democratic norms and standards and conventions you are going to destabilise the entire North-Eastern region. By this method you are not going to stabilise the region. You are going to destabilise it by your actions. You are introducing elements of destabilisation yourself by corruption, by manoeuvring and by horse-trading. You talked about horse-trading. Who did it? You did it by going there. You cannot escape the charge, Mr. Buta Singh, of indulging in horse-trading by just denial. I think you are a pastmaster in horse-trading. I am told so.

SHRI BUTA SINGH: Beware.

SHRI M. S. GURUPADASWAMY: I think you must be given a certificate. You are a good friend of mine. I value your friendship. I know you

since so many years. I know Mr. Buta Singh as a friend since so many years, but unfortunately, after he became Home Minister, as my friend, Mr. Upendra has said, you are spoiled; you are polluted. You have been completely taken over by the forces which are not good for public life For partisan purposes, for the purpose of having temporary ephemeral benefits, you resort to such subterfuges which are not justifiable. My feeling is you have done a wrong thing. As I said in the morning, 7th of August will go down as a dark day for Nagaland, for parliamentary system itself. Of late, we in the Opposition have been warning you, you are destablising, weakening, devitalising, eroding parliamentary system itself in this country. If this system is gone, nothing can be saved later. By destroying the political democratic infrastructure in Nagaland, by denying opportunities to elected representatives to form their own Government there, by introducing worthless, reckless, useless, wooden morbid bureaucratic rule there, you are undermining the democratic values. Your activities are becoming more conspiratorial in nature though you don't mean it. Mr. Buta Singh, you will go down in history as a hatchet man of democracy. You will go down in history as an undertaker of democratic system in this country. Therefore, I warn you in the interest of the country, in the name of the people, in the name of Nagaland, you should retrace your steps. You have already done a great damage to Nagaland and the people of Nagaland and the people of India thereby. Mr. Buta Singh, I may tell you, I love you as a friend but I hate you as a politician. You are a good friend but a bad politician, let me tell you also because of the activities. You will go down in history as a person who is taking the country back, pulling the country back and turning the democratic clock back.

SHRI BUTA SINGH: That is the role of the Janata Party.

SHRI M. S. GURUPADASWAMY: Again I say that here is a man, Mr. Buta Singh, who has written the epitaph of democracy. Whatever may be the circumstances in the country, popular Government is more justifiable, is more welcome than a bureaucratic Government. Governor's rule is bureaucratic rule. It applies to all situations. Let us believe in ourselves as representatives. We may commit wrongs. We may commit blunders. We may comit mistakes but we have to correct ourselves by dialogue, by discussion, by talking with each other.

Finally, I am sorry Mr. Buta Singh you have done a wrong thing which should have been avoided. If at all you get dreams in your sleep, I don't think you will get good dreams. You will only be blessed with ominous dreams. Thank you, Madam.

SHRI BAHARUL ISLAM (Assam): Madam Deputy Chairman, I will be very brief. I want to speak from two points of view. This problem of President's rule in Nagaland has two aspects. One aspect is constitutional and the other aspect is ethical and political morality. Now, a long argument has been made by Mr. Gurupadaswamy for half an hour, saying that it was a black day and Mr. Buta Singh will go down in history. He has advised him so much and I am afraid, he may not go to Mecca to wash his sins.

So far as the constitutional aspect is concerned, the order has been passed under Article 356. What has the President to say here? It says, "If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied," these are the key words in the Article. Supposing, the President receives a letter or a report from the Governor of Nagaland that the constitutional Government cannot be run there, please declare President's rule, possibly, that order can be thrown away immediately by the President or the Council of Ministers. But here the Governor sends us a report and the

[Shri Baharul Islam]

satisfaction of the Governor, in my respectful opinion, is based on objective consideration of information received. The Governor has given a long list of activities in Nagaland, formation of one party, another party, again third party, fourth party, and so on and so forth. The Governor also has given that this is the history of political parties in Nagaland during the last 25 years after Nagaland achieved Statehood, there are 11 Governments and a span of two years of President's rule. So, in 23 years, on an average, about two years of democratic Government. He says, this is not stable. Also, the Governor has enumerated that amongst the legislators, there is a good number of defectors and redefectors. That is to say, a legislator could be purchased by anybody, by me, by you, by any unscrupulous person. Therefore, after considering all these things, he has enumerated in his long report which I have read and also which has been nicely summarised by the Home Minister, the Governor came to his finding that after perusal of these things, "I am satisfied that the Government of Nagaland cannot be carried on in accordance with the provisions of the Constitution." Now, who is the person to sit on judgment on his judgment? Certainly, there is another body. He has to send it to the President of India. As you know, our President is a constitutional head. He has to act on the aid and advice of the Council of Ministers. His report again has been reconsidered. His report, along with other papers has been reconsidered by the Council of Ministers and the Council of Ministers also are satisfied on the basis of those facts that a stable Government in Nagaland is not possible. That is the constitutional aspect. Neither you nor I as a political party, I as a Congressman, you as a Janata party man, I as a Treasury bench man, you as a Member of Opposition, can sit on judgment on the order of the Governor nor on the judgment of the Council of Ministers unless you can show any violation of the constitutional provisions. Mr. Gurupadaswamy, has not been able to point out a single word that here is the violation of the Constitution. No, it is absolutely in consonance with the provisions of the Constitution, to the satisfaction of the Governor. Again, satisfaction of the Council of Ministers.... (*Interruptions*) ....

SHRIMATI BIJOYA CHAKRAVARTY (Assam): I am on a point of order. My point of order is does the anti-defection law permit when there is a split.... (*Interruption*) ....

SHRI BAHARUL ISLAM: I will be coming to it. That will be my second point on ethics and morality. If I do not satisfy you on that point, then you may ask. Now I am only on the constitutional aspect. I will come to that later on. Therefore, constitutionally, this order is absolutely justifiable.

Now, I come to the second point of ethical and political morality. My respected sister, Shrimati Bijoya Chakravarty, has raised a very valid point. This is a 'split'. This has been called a 'split'. But does it have the political morality? There was a split when Indira Gandhi was the Prime Minister, on the basis of a strong moral footing, namely, to abolish the privy-purses... (*Interruptions*)... to nationalise the banks. The question was whether the country should be taken on the path of socialism or on the path of capitalism. So, there was a nice point. You are perfectly right. Certainly it is a split but by some defectors. A split should be based on political morality. These people are not doing anything to form a party. They have not said, "Here is our party constitution. We are going to do these things in Nagaland." There is nothing of that sort. They do not have the constitution at all. They were members of Congress-I. They were elected on Congress-I tickets. They were elected by the Naga people because they were Congress-I candidates. They have been elected on

Congress-I tickets. And they are continuing again to be Congressmen. What is this Regional Naga Congress? Are you quite different from Congress-I? If so, what is your difference from this main political party?

SHRI V. GOPALSAMY: Do you accept that there was a split or not?

SHRI BAHARUL ISLAM: The Governor has clearly stated... (*Interruptions*). The Governor has to say everything, if it is a real split, or it is a split only in name but the purpose is not to do any good to the Naga people or to the country but only for self-aggrandisement. (*Interruptions*). The Governor has very categorically stated after considering everything that the main purpose of these people is not to do anything good to the country or to the Naga people but only self-aggrandisement.

श्री राम अवधेश सिंह (बिहार) : कश्मीर और आन्ध्र प्रदेश में क्या स्टैंडर्ड या फार्मूला आपने बनाया ।

उपसभापति : सुनिए, आप भी बोलने वाले हैं । तब बोल लेना ।

SHRI BAHARUL ISLAM: I am not on Andhra Pradesh. Now I am on Nagaland. Therefore, morally and ethically, the defection of these thirteen persons including three Ministers one Minister of State, and one Deputy Minister was absolutely unjustified. I was very happy when you raised the issue of cleanliness in public life at high places speaking on Bofors. Every conscientious citizen, including Congressmen, right from the days of Nehru, says that public life should be clean, although you could not prove that it is unclean. Everybody desires so. If that be so I do not understand for a minute how you can justify the defection of these thirteen men for their own self-aggrandisement, to form a Government more so with a constitutional Government in Nagaland. Therefore Madam, my submission is that this notification and action of the Government on the basis of the report of the Governor are absolutely justified. And morally also, these defectors do not have any right to rule that piece of land called Nagaland. If the Governor did not give such a report and on the other hand if these defectors were allowed to form a Government and if the President of India, or in other words, the Council of Ministers in Delhi, would not have done this, even they could have been accused of being accomplices of these defectors.

With these words, Madam, I support this resolution. Thank you.

SHRI DIPEN GHOSH: Madam Deputy Chairman, 7th August is yet another day, another black day, in the history of Indian parliamentary democracy and if the resolution which has been moved by the honourable Home Minister, Mr. Buta Singh, is passed, then it will be the seventy-eighth nail on the scaffolding for the crucifixion of Indian parliamentary democracy, because until President's rule was imposed in Nagaland, since the Constitution was adopted, this extraordinary power under Article 356 was taken recourse to seventy-seven times on different occasions. Mr. Buta Singh will surely share with me since he has got the benefit of reading that report of the Sarkaria Commission which had gone into the constitutional aspect of Centre-State relationship and the devolution of powers, both economic and political, that the Sarkaria Commission had observed that out of the 77 times the power under Article 356 was taken recourse to on 26 times the imposition of President's rule could one way or the other, even if not directly, be justified according to the Sarkaria Commission, but on as many as 51 occasions it has been stated by the Sarkaria Commission that it was without any justification in taking recourse to or in allowing the Centre to take recourse to Article 356, the role of the Governors had come in for criticism by the Sarkaria Commission, and the Sarkaria Commission had

[Shri Dipen Ghosh]

gone on record saying that in most cases while recommending to the Centre for taking recourse to Article 356, the Governor had acted as an agent of the ruling party at the Centre. It is on record. You can go through the Sarkaria Commission Report. And, therefore, the Sarkaria Commission had counselled that taking recourse to Article 356 should be avoided. We have to judge this resolution in the background of the report given by the Governor as read out by Mr. Buta Singh and as laid on the Table. And it raises many questions. Did the Governor independently assess the situation and make the recommendation? Mr. Baharul Islam, the learned Judge, had stated that it was constitutional right because the Governor was satisfied and, therefore, the Governor had recommended and the President had assume the power. Technically it may be correct. If we look at the problem in the light of that sophistry, then it is all right. But Mr. Baharul Islam is not a Judge here. Mr. Baharul Islam is a representative of the people. As a Member of Parliament here it requires him to go into the political aspect also of the thing. From the Governor's Report, from certain portions, I would like to pick up one or two sentences I would like and I would like to the Prime Minister, on the basis of quote:

> "I have not received any information from the dissidents as to the substantial grounds for their reported split."

The Governor has nothing to do with the split inside the Legislature. According to the anti-defection law, whether there has been a split or not, whether there has been any defection or not, the presiding officer of the Legislature is the supreme authority to decide. The Governor has nothing to do with it and he cannot sit in judgment and decide whether it every one of them, supported this was a split or not. But the Governor assume the authority of the Speaker, the authority of the presiding officer of the Legislature and passed a judgment. So, it betrays the partisanship of the Governor.

Again, Madam, I would like to quote another sentence:

> "The responsibility for the alleged non-performance of the Congress (I) Government has to be shared by these legislators."

It is because the reason for the resignation of these thirteen legislators from the Congress (I) Party was the non-performance by this Government of Mr. Hokishe Sema. Now, the Governor, while judging whether these people can run the Government or not, whether independently or by taking the support of other members, is deciding and passing judgment that those people who had resigned should share the responsibility for the non-performance of the Congress (I) Government; It is for Mr. Buta Singh to say as the leader of the Congress (I) while addressing the legislators and it is not for the Governor to say that. What does this mean? The Governor is supplying reasons or points of reply to be made by the Nagaland Congress (I) President or Mr. Buta Singh. What has the Governor to Judge? Mr. Baharul Islam has stated that the Governor has to judge whether these legislators who have staked their claim to form the Government there can run the Government or not or whether they will lead the Government to another crisis or to non-functioning of the governmental machinery or whether such a Government will lead to certain immoral or irregular activities. But, first of all, they resigned from the party on the 31st July and they staked their claim on the 2nd August. On the 6th August the Governor is sending the recommendation; What was he doing all these days? Did he call the legislators? Did he ask those legislators whether they, each and

group or that group or Mr. Hokeshe Sema's group? Did he satisfy himself on this? No. It is not there in the report. The Governor did not call them; the Governor did not speak to them. The Governor did not ask whether those legislators supported this group or not. The only place where the issue whether either group could run the Government or not is to be decided is not the Governor's chamber, but it is the floor of the Legislature, the floor of the Assembly. This is the best method of judging that . The Governor could summon the Assembly and urge upon the other group to prove its majority on the floor of the Legislature. Or, going by the other way, Mr. Hokishe Sema could be asked to seek a vote of confidence on the floor of the Legislature. In that case I would have agreed with Mr. Baharul Islam that the Governor, having gone through and followed all the normal parliamentary democratic procedures and practices had come to the conclusion, "Yes. They cannot form a stable Government." So he came to the conclusion that the President should assume power. (*Interruptions*)

SHRI BAHARUL ISLAM: He had resigned. He had admitted: I have lost... (*Interruptions*)

SHRI DIPEN GHOSH: It is not in the report. Even in the case of Tamil Nadu what Mr. Chidambaram had stated was this. (*Interruptions*)

SHRI BAHARUL ISLAM: He has admitted...

SHRI DIPEN GHOSH: I know.

SHRI PARVATHANENI UPENDRA: Why did he not resign earlier.

इसमें सात दिन क्यों लगाए ?

SHRI DIPEN GHOSH: In the case of Tamil Nadu this is what Mr. Chidambaram had said. Madam, this Governor acted completely as an agent of the ruling prty at the Centre as the Sarkaria Commission had observed in respect of the previous cases of imposition of President's rule in various States.

SHRI BAHARUL ISLAM: Including the Janata Government.

SHRI DIPEN GHOSH: I don't mind. I am not holding any brief for the Janata Government.

SHRI BUTA SINGH: You did this in 1978. You supported the Janata Government.

श्री राम अवधेश सिंह : उस वक्त नौ राज्यों में आपका चिराग बुझ चुका था ।

SHRI DIPEN GHOSH: Madam Deputy Chairman, the Governor had attributed certain epithets to some of the legislators who had resigned from Congress (I) and joined the Opposition. I am not going to old brief for anybody. But I am only pointing out who are these people, the people who are now being termed as hand in glove with the insurgents, the people who are now being considered as indulging in immoral activities and even to the darkest day of coup—all these things have been mentioned. Who are these people? On the 30th of July they are all Congressmen. Till they resigned, they were all Congress (I) men; they were Ministers in the Hokeshe Sema Ministry.

SHRI P. N. SUKUL: That is why they were very good. (*Interruption*)

SHRI DIPEN GHOSH: I am pointing out only the fallacy in the Governor's Report.

SHRI P. N. SUKUL: Our fall-outs are their treasures.

SHRI DIPEN GHOSH: I quote:

> "It was hoped that peace and stability brought after protracted efforts would be consolidated by the new Government formed under Mr. Hokeshe Sema. Efforts towards this end were well under way when the present unfortunate developments took place..."

But when all these efforts were made, along with 13 legislators including 4 Ministers, they were all

[Shri Dipen Ghosh]

Congressmen. (*Time bell rings*) If they were bad men they were your men. If they were good men they were your men, not our men. As long as they were with you they were good men. And as soon as they left your company, they have become bad men. I am only pointing this out, nothing else.

SHRI P. N. SUKUL: Now they are in bad company.

SHRI BUTA SINGH: In the morning they are good, in the evening they are bad.

SHRI DIPEN GHOSH: This is what is called Heads I gain, tail you lose theory, by which Mr. Buta Singh wants to go.

SHRI BAHARUL ISLAM: Satan was the most beloved angel of God at the beginning. (*Interruptions*)

SHRI PARVATHANENI UPENDRA: Like Mr. Buta Singh.

SHRI DIPEN GHOSH: I know that the devil will quote the Scriptures. I know that they will quote the scriptures.

SHRI BUTA SINGH: But he does not believe in God. (*Interruptions*)

SHRI PRAMOD MAHAJAN (Maharashtra): This is friendship like Buta Singh and Gurupadaswamy. (*Interruptions*).

SHRI DIPEN GHOSH: Madam Deputy Chairman, what is the fact? Mr. Gurupadaswamy has given certain aspects of the fact. What is the other aspect of the fact? (*Time bell rings*) They resigned on the 30th. This is in the report. They formed a party. They formed an alliance also and staked a claim. But until the 5th of August, the 5.00 P.M. Governor did not send any recommendation. Why? It is because two efforts had been made in the meantime, one of which was by Mr. Buta Singh himself. That effort was to buy back those M.L.As. If he could have bought back those M.L.As., then they would have been very good people. Mr. Buta Singh would have given them the certificate. In this case, Mr. Buta Singh failed. It is reported that he rushed to Kohima if not with a plane-load at least some trunk-loads of currency notes.

SHRI BHUBANESWAR KALITA (Assam): What is the source of that information?

SHRI PARVATHANENI UPENDRA: We have sources in your party.

SHRI DIPEN GHOSH: It is from a reliable source that Mr. Buta Singh had gone there to buy back those M.L.As. When he failed, he tried to find another way out. This is also in today's newspapers that the Prime Minister had talked to the Speaker of the Nagaland Legislative Assembly. Madam, when these 13 legislators had submitted their resignation letters, the Speaker accepted those resignation letters and a bulletin was issued the next day. There was an effort by the Prime Minister himself while talking to the Speaker to make him review the decision of acceptance of resignation letters and to declare it as defection. The formula was given by Mr. Buta Singh. According to Anti-Defection law when the split occurs, it is not defection if one-third of the Members of the party resign and form a party, Then it is called a split and not a defection. Now a new theory was sought to be given and it was that it means one-third of the membership of the party outside the legislature. (*Time bell rings*) I am concluding. According to Anti-Defection law, it is one-third of the legislature party. So, the Speaker did not relent to the Prime Minister's pressure and did not declare it a defection. Only then the Governor was asked to send a report in the manner it was written from Delhi. This report, which is now called the Governor's report, was simply the report of the Central Home Ministry and the Governor had signed it on the dotted line. Thereafter, Mr. Buta Singh had met the President and had got this proclamation issued. Madam, this is an affront to parliamentary democracy in the country. We represent the people. We cannot accept it. If we accept this piece of legislation, it will be the 78th nail in

the coffin of Indian parliamentary democracy. So, I cannot support this resolution. I oppose it lock, stock and barrel.

SHRI BUTA SINGH: Madam, normally I would have waited for my turn but for the most unbecoming, fabricated and without-any-basis charges made by Mr. Dipen Ghosh about the Prime Minister and me. All these charges are baseless. These are all distorted charges and a pack of untruths.

SHRI DIPEN GHOSH: We will bring the documents.

श्री पशुपति नाथ सुकुल : उपसभापति महोदया, मुझे यह देख कर आश्चर्य नहीं हो रहा है कि हमारे विरोधी पक्ष के साथी एक बार फिर प्याले में तूफान उठाने की कोशिश कर रहे हैं । उपसभापति महोदया, हमारे विरोधी दल के लोग एक शिष्टमण्डल के रूप में राष्ट्रपति के पास गये थे और राष्ट्रपति जी को उन्होंने नागालैण्ड के विषय में एक ज्ञापन दिया था । ज्ञापन में कहा गया था कि—

"To exercise his constitutional authority, to ascertain the whereabouts of the Governor of Nagaland and to direct him to proceed to the State and discharge his constitutional duties."

अब राज्यपाल ने अपना जो संवैधानिक कर्त्तव्य था उसका पालन करते हुए अपनी रिपोर्ट भेजी उस रिपोर्ट पर कार्यवाही हुई तो फिर यह हल्ला मचा रहे हैं । एक ओर तो यह चाहते हैं कि जो उनके संवैधानिक कर्त्तव्य हैं उनको पूरा करें, प्रतिपादित करें, कार्यान्वित करें और जब वह यह करते है और उन्होंने अपनी रिपोर्ट सरकार को दे दी है और उस रिपोर्ट पर उसकी संस्तुतियों के अनुसार केन्द्रीय सरकार कार्यवाही करती है तो हमारे विरोधी साथी एक बार फिर हल्ला मचाते हैं और यह भूल जाते हैं कि हमने ऐसा सिर्फ इसलिए किया ताकि कांऊटर डिफेक्शन न हो । हमने सिर्फ इसलिए राष्ट्रपति शासन लागू किया है कि वहां हार्सट्रेडिंग न हो, उससे बचने के लिये, नहीं तो आप क्या समझ रहे हैं (**व्यवधान**) उपेन्द्र जी हंस रहे हैं । अभी ऐसे बेसलेस चार्जेज लगा रहे थे । अगर बूटा सिंह जी ट्रक भर-भर कर ले जाएं तो आपके आन्ध्र प्रदेश में डिफेक्शन हो जाए । हम डिफेक्शन नहीं कराना चाहते है । वह तो आप कराते है और आपने ही नागालैण्ड में कराया है । पहले आपने डिफेक्शन कराया वह आपके पास आ गये । मुझे सब से अधिक अफसोस हुआ कि हमारे श्री गुरुपदस्वामी जो जैसे वरिष्ठ जो सांसद हैं उन्होंने भी इस मौके का फायदा उठा कर यह भी प्रकट कर दिया कि वह बूटा सिंह जी से घृणा करते हैं (**व्यवधान**) यह कोई तरीका नहीं है, हम यह कहें कि हम राम अवधेश जी से घृणा करते हैं या फला से घृणा करते है तो यह जो मसले हमारे सामने आते है इस तरह से यह हल नहीं होते हैं लेकिन गुरुपदस्वामी जी ने कहा कि वे बूटा सिंह जी से घृणा करते हैं और बहुत जोरों से करते हैं मैं इसको अनपेरिटेबल रिमार्क मानता हूं । दीपन घोष जी क्या कह रहे थे, वह कह रहे थे कि—

What the Governor has to judge?

यह उनका सवाल था । इसके जवाब में मैं उनको बतलाना चाहता हूं कि—

—The Governor has to judge what kind of defection is this, whether there may not be counter-defection and whether a stable Government can formed or not.

गवर्नर ने भी वहां यही देखा क्यों कि गवर्नर की रिपोर्ट में है यह तमाम' एम०एल०ए० है जो उधर गये आज भी जबरदस्ती उनको रोक कर के रखा गया है । दे आर डिटेंड परफोर्स ताकि वह अब आने न पाए । वे अब भी लौटना चाहते है वे कांग्रेस मे वापिस आना चाहते है लेकिन उनको जबरदस्ती फिजिकली रोक कर रखा

गया है । यह कैसा लोकतन्त्र है आप इसी लोक तन्त्र की चर्चा करते है ? (व्यवधान)

श्री राम अवधेश सिंह : सदन में बुला कर के टेस्ट कर लेते ।

श्री पशुपति नाथ सुकुल : राम अवधेश जी बैठिये । यहां पर कुछ बातें पर जो रिपोर्ट में हैं । (व्यवधान)

श्री बूटा सिंह : सदन तो बुलाया हुआ था । (व्यवधान)

श्री पशुपति नाथ सुकुल : सदन का इंतजार नहीं कर सकते थे मुख्य मन्त्री का इंतजार नहीं कर सकते थे । मैं यह कह रहा हूं कि इस विषय में चंद बातें यहां पर विचारणीय हैं । क्या विचारणीय हैं ? पहली बात तो यह है कि जो उसूल की बात है कि कांग्रेस पार्टी के टिकट पर वे लोग चुनाव लड़े और इस प्रकार कांग्रेस पार्टी छोड़ कर दूसरी पार्टी में मिल जाने का निर्णय उनके मतदाताओं का जो मत था उसके खिलाफ है उन्होंने अपने मतदाताओं को धोखा दिया । उनको रिजाइन करना चाहिए था । अपनी सीट छोड़ कर कांग्रेस का विरोध करना चाहिए था चुनाव में भाग लेना चाहिए था लेकिन उन्होंने अपने मतदाताओं के साथ धोखा किया और हमारे विरोध पक्ष के लोग इसकी वाह-वाह कर रहे हैं उनका स्वागत कर रहे हैं, उनको गले लगा रहे हैं ।

श्री शंकर सिंह वाघेला (गुजरात) : आपने पूरी कांग्रेस को शरद पवार के साथ अपनी पार्टी में मिला कर महाराष्ट्र में भी यही किया था । (व्यवधान)

श्री पशुपति नाथ सुकुल : दूसरी बात यह है कि सदस्यों को पार्टी छोड़ने पर मजबूर किया गया । जैसा कि गवर्नर की रिपोर्ट में है । उनको अब तक जोर जबर्दस्ती से बलपूर्वक रोककर रखा गया है । तीसरी बात यह है कि एक सदस्य कलकत्ते में थे लेकिन स्पीकर के सामने उनके जाली दस्तखत बनाकर रजिस्टर में रखे गये । यह लोकतंत्र है । . . . (व्यवधान)

श्री दीपेन घोष : : आपसे सीखा है ।

श्री पशुपति नाथ सुकुल : इसी जनतंत्र की दुहाई आप दे रहे हैं । यह जालसाजी है , फ्राड है धोखाधड़ी है । इसके बल पर आप कह रहे हैं कि नहीं आपको सरकार बनाने का मौका दिया जाये . . . (व्यवधान) हम यह नहीं भूल सकते कि पिछले 25 वर्षों में केवल एक बार नागालैण्ड में राष्ट्रपति शासन लगाया गया वह भी सिर्फ दो साल के लिए, 23 वर्ष राष्ट्रपति शासन नहीं था, लोकप्रिय सरकार थी । आज भी जो राष्ट्रपति शासन लगाया गया है वह क्रास्टर डिफेक्शंस को रोकने के लिए एक अनस्टेबुल गवर्नमेंट की स्थापना को रोकने के लिए लगाया गया है कि जल्दी से जल्दी चुनाव हो. . . (व्यवधान) लोकतंत्र में सबसे बड़ा इलाज चुनाव है और आप लोग उससे घबड़ा रहे हैं . . (व्यवधान) ।

श्री दीपेन घोष : तामिलनाडु के बारे में कहिए ?

SHRIMATI BIJOYA CHAKRAVARTY: The hon. Member expresses ignorance about Nagaland.

THE DEPUTY CHIARMAN: You are going to speak, Mrs. Chakravarty.

श्री पशुपति नाथ सुकुल : वहां की लेजिस्लेटिव असेम्बली को इसलिए डिसाल्व किया गया है ताकि चुनाव हों । चुनाव का मार्ग प्रशस्त करने के लिए अर्थात् लोकतंत्र के मार्ग को प्रशस्त करने के लिए यह कार्यवाही की गयी है और आप लोकतंत्र के सो-काल्ड हिमायती लोग इल्ला मचा रहे हैं । इसी लिए मैं यह कहना चाहूंगा कि

यह काम सबसे अच्छा और बहुत ही उत्तम है इससे डिफेक्शन्स को बल नहीं मिलेगा क्योंकि हमारी सरकार ने ही एण्टी डिफेक्शन बिल पास किया था, आप उसको नहीं पास कर पाये । घोषणापत्र में लिखा था लेकिन पास नहीं कर पाये । कांग्रेस पार्टी की सरकार ने ही एण्टी डिफेक्शन बिल पास किया है । हमारी यह भावना है कि जहां तक हो सके डिफेक्शन नहीं होना चाहिए और इसी को रोकने के लिए इसी को स्टाल करने के लिए आज वहां राष्ट्रपति शासन लागू किय गया है । अभी हमारी एक बहुत ही विद्वान साथी उधर से कह रहीं थीं कि इनको नागालैण्ड के बारे में कुछ पता नहीं है । मैं आपको बताऊंगा कि मुझको नागालैण्ड के बारे में थोड़ा बहुत पता है । नागालैण्ड भारत के अन्य भागों से अलग है . (व्यवधान) थोड़ा सा अलग है ... (व्यवधान)

SHRIMATI BIJOYA CHAKRAVARTY: Madam, the hon. Member has admitted that he has got "thoda" knowledge about Nagaland.

THE DEPUTY CHAIRMAN: You are learned and he knows a little about it.

श्री पशुपति नाथ सुकुल : मैं वहां का रहने वाला नहीं हूं ... (व्यवधान)

THE DEPUTY CHAIRMAN: You are going to speak and you can then say what you want to say.

श्री पशुपति नाथ सुकुल : मैं यह कह रहा हूं कि नागालैण्ड का चरित्र, नागालैण्ड की संस्कृति देश के दूसरे भागों से भिन्न रही है। हिंसा, लड़ाई, झगड़ा, बात-बात पर खून खराबा यह वहां का चलन रहा है । वहां लोग इंतजार नहीं करते हैं तुरन्त फैसला हो जाता है । उनको कांग्रेस पार्टी ने ही लोकतंत्र की ओर आकर्षित किया और धीरे-धीरे ... (व्यवधान) उनकी हिंसा करीब-करीब खत्म हो गयी ... (व्यवधान)

I am telling you they are different traditionally, culturally from other parts of the country.

और ऐसे लोगों को डेमोक्रेटाइज कांग्रेस ने करना चाहा, इसका प्रयास किया ... (व्यवधान) और हम इसमें सफल हुए ... (व्यवधान)

उपसभापति : आप बोलने वाले हैं बीच बीच में मत करिये । आप बैठ जाइये ... (व्यवधान)

श्री पशुपति नाथ सुकुल : ये तो हिप्पक थे ... (व्यवधान) मैंने कहा कि उनको लोकतंत्र की ओर कांग्रेस सरकार ने सप्रयास आकर्षित किया और 25 वर्ष से वहां लोकतंत्र है । यह कांग्रेस का प्रयास है, विरोधी दलों का प्रयास नहीं है । इसलिए, महोदया, जैसा मैंने कहा कि यह जो चुनाव होगा, राष्ट्रपति शासन के बाद यह लोकतंत्र का मार्ग प्रशस्त करने के लिए होगा और उनके अन्दर लोकतंत्र के प्रति अधिक सम्मान जगाने के लिए होगा, नागालैण्ड में लोकतंत्र मजबूत करने के लिए होगा । इसलिए जो कार्यवाही हुई है, जो राष्ट्रपति शासन लागू किया गया है यह बहुत ही सही है और मैं इसका हृदय से समर्थन करता हूं ।

THE DEPUTY CHAIRMAN: Shri Upendra.

SHRI PARVATHANENI UPENDRA: Madam, at the outset, I would request you, please do not ring the bell.

THE DEPUTY CHAIRMAN: What do you mean by that?

SHRI PARVATHANENI UPENDRA: You know; I am always brief, to the point.

SHRI DIPEN GHOSH: The Chair will ring the bell in the interest of Parliamentary democracy.

SHRI PARVATHANENI UPENDRA: Madam Deputy Chairman, all along, I have been thinking that the role of the present Home Minister has been that of a vegetarian in a slaughter house. But

[Shri Parvathaneni Upendra]

I begin to doubt that Mr. Buta Singh, as Mr. Gurupadaswamy rightly pointed out, has started and is perpetuating a nefarious game in the States at the bidding of his master. The role he has been playing in Karnataka, the role he was playing in Punjab,...

SHRI DIPEN GHOSH: Tamil Nadu.

SHRI PARVATHANENI UPENDRA: the role he played in Tamil Nadu and now, lately, to supplement the efforts of the Minister of Surface Transport, in Nagaland, prove that the Home Minister, instead of indulging himself in the task of establishing harmonious relations between the Centre and the States, is now acting quite contrary to that. I cannot blame him because he is serving a master who has no respect for any democratic norms and who..(*Interruptions*) in his last months of rule, is becoming more and more desperate and despotic.

Madam, I must frankly say that we are against defection because we have been a victim of that. But I would like to point out the double standards this Government, the ruling party at the Centre, has been adopting all through in several cases. I will come to that later. That is why this has become very serious to merit attention.

I now come to the Governor's report. I do not subscribe to the view of Mr. Dipen Ghosh that this report was written in Delhi. Of course, there are traces of Delhi's dictates in this. But knowing the Governor very well, I could imagine that some of these noble sentiments expressed in the Governor's report could not have come from this Government. Even for the purpose of a report, the rulers in Delhi would not have expressed such sentiments. I would like to refer to some of these; very good things. He says:

> "It is obvious that what may be called a *political coup of the darkest* hue has been staged in the absence of the Chief Minister contrary to the noble Naga character and democratic traditions."

Then, he says:

> "These actions are indicative of unfortunate an unethical machinations."

He says:

> "The present efforts at destabilising the Government are obviously to achieve personal ends without regard to any scruples or ethics rather than due to any reasons of performances or non-performances of the Government."

He also says:

> "Reports also indicate that free and extensive use of large amount of money and lure of office has also been resorted to in the present case."

Then, he says:

> "...incredible lack of political morality and complete disregard of the wishes of the respective electorates."

Madam, these are sentiments which can never be, even just for a reference or a joke, Delhi's or this Government's or its leaders'. Therefore I can give credit to the Governor that these expressions must be his own, not of this Government. But I would like to point out the contradictions in the Governor's report. The first point is, as has been rightly pointed out, he has violated the constitutional provision in the first instance. As I said, we are against defections. In the constitutional amendment to the Tenth Schedule, when we amended it, it provided for a split, whether you like it or not. Our party was one of those parties which had reservations on this point at the time of passing the Bill. But you passed it providing for a split if one-third of the members chose it. Having done that, how can you today say what reasons prompted those people to defect from the party? The Constitution does not provides anywhere that the defectors or the splitters should give reasons for their splliting the party. The Governor mentions that. That is why I am telling this, Madam.

He says:

> "I have not received any information from dissidents as to the substantial grounds for their reported split".

Nowhere it was provided. It is none of his business.

Then he says:

> "The party is yet to seek and get recognition by the Election Commission".

Where was this provided that after the split, having started that, the new party should get immediate recognition from the Election Commission before being called upon to from government? He also says:

> "The responsibility for the alleged non-performance of the Congress (I) Government has to be shared by these legislators and Ministers also".

Wonderful. And still when Ministers resign from the non-Congress Governments, like in Andhra Pradesh, whatever they may say after coming out of the Government, whether it is a Srinivasulu Reddy or a Padmanabham, the Congress Party supports them. Were they not responsible for the actions of the Government? Was there no joint responsibility? How you are supporting them and admitting them into your party today?

SHRI BUTA SINGH: What about your leader, Shri V. P. Singh? Was he not responsible for all that your are discussing in thise House today?

SHRI PARVATHANENI UPENDRA: I am pointing out the contradiction. Not that I am supporting this. You are yourself violating every thing.

SHRI BUTA SINGH: Now you are eulogising Shri V. P. Singh. What has he done as Finance Minister or as Defence Minister? You are now eulogising him.

SHRI V. NARAYANASAMY: Shri N. T. Rama Rao went there in Nagaland. He was there for four or six hours without attending a single meeting.

SHRI PARVATHANENI UPENDRA: Shri V. P. Singh has owned the responsibility where this responsibility was there. Don't point that out. He has already owned responsibility. He never disowned it.

SHRI BUTA SINGH: Why don't you apply that standard to him? Or has he taken a bath in Telugu Ganga?

SHRI PARVATHANENI UPENDRA: Now another contradiction is when he says:

> "The Chief Minister has informed me that the members of the Legislative Assembly concerned had never approached him with any serious grievences, nor informed him of their intention to break away from the party".

So they should inform him, "we are going to break away"! This is what the Governor expects from them! In that case this should be followed every where. So there are many contradictions, but I will only point out these. Then he says:

> "I had explained to them about the disconcerting reports that I have been receiving from several reliable sources to the effect that some of the Members of Legislative Assembly were being held under forcible confinement."

He is the Governor of the State. The Chief Minister was still in power. Then why could you not verify whether they are being held captive or in forcible confinment? It was done in Andhra Pradesh. You made a similar charge against our M.L.As. You sent the police breaking open the place where they were staying, you woke them up at midnight and asked every MLA, "Are you here by volition or by force?" You have done it. We have the precedent.

SHRI SATYANARAYANA DRONAMRAJU (Andhra Pradesh): What you...

...(*Interruptions*)...

THE DEPUTY CHAIRMAN: This is not good. Don't express in such terms...(*Interruptions*)... Order, please.

SHRI PARVATHANENI UPENDRA: He is a land-grabber....(*Interruptions*)

SHRI SATYANARAYANA DRONAM RAJU: First you must learn manners ...(*Interruptions*)...Your NTR is the biggest land-grabber in the country...(*Interruptions*)...

SHRI PARVATHANENI UPENDRA: You have been rewarded for your petition... (*Interruptions*)... Sit down..... (*Interruptions*) You have been rewarded for your labour. Sit down. Don't provoke me. Sit down... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Order please.

SHRI V. NARAYANASAMY: We know how you have elected him as President of your 7-party alliance.... (*Interruptions*)...

SHRI PARVATHANENI UPENDRA: Everybody knows you, sit down.

SHRI SATYANARAYANA DRONAMRAJU: Everybody knows your chatater.... (*Interruptions*)..If the Chair permits, I can show before the House how Rama Rao grabbed land... (*Interruptions*)

SHRI PARVATHANENI UPENDRA: Then, Madam, the Governor says that the Assembly has been called on the 23rd and meanwhile so many developments were feared and, therefore, he had to do this. But what prevented the Governor to advance the Assembly session for a trial of strength on the floor of the House? It had been done at several places earlier. There were precedents. They could have called a session immediately, within a few days, and there could have been a trial of strength.

Madam, there are very serious things which the Governor has mentioned. He says, "However, it has been reported from reliable sources that Shri Vamuzo threatened of violence throughout Nagaland if his demands were not met." It is a very serious charge for a Governor to make against a responsible leader of the Opposition who has been a Minister earlier, a leader of a recognized party there. He cannot say that he threatened with violence. If he threatened with violence, what action have you taken against him and where is the record that he threatened with violence throughout the State? And why did the Governor say "reliable sources" when he has got the administration under his control? The last point which he says is that the Chief Minister and the Cabinet resigned and recommended dissolution of the Assembly. This is another violation of the Constitution.

There is an established practice that when a Chief Minister's majority has been reduced to a minority, he has no right to recommend dissolution. You are following that everywhere, and if you once allow this to happen, tomorrow that facility ought to be given to every Chief Minister who is reduced to a minority. Are you going to do that?

So, there are serious contradictions in the Governor's report and, therefore, the Governor has been influenced to this extent and this report has been tailored.

I may also refer to the role of the Central Government in similar circumstances. I need not remind them of their 'glorious performance' in Andhra Pradesh in August 1984, and the master defector's name, Bhaskara Rao, has become a synonym, in the dictionary, for a traitor and a defector. Everybody is using, 'He is a Bhaskara Rao, he is a Bhaskara Rao." You propped up that Government, you allowed him to form a Government with bogus MLAs. In Jammu and Kashmir, in the same year, on the eve of *Id*, in the night you had taken away, kidnapped, 12 MLAs, put them in the Raj Bhavan, called the Chief Minister and said, "They have all defected, "you have been reduced to a minority, and we are dismissing you." You did not give him even one hour's time to talk to them. And here you complain that no opportunity was given to the Chief Minister to talk to the MLAs! Did you give such an opportunity to those Chief Ministers whom you dismissed earlier. Did you give the same facility to them? When it suited you, you followed one standard and when it does not suit you, you follow another standard. Therefore, as I said earlier, because of what you have done in several States and what you are doing now in non-Congress(I) States, you have no face to say that the defectors have behaved differently, you have not the moral standard to propound that.

Madam, I am constrained to refer to the role of the Central Ministers. I don't object to their going there and talking to their partymen. If anybody was afraid that more and more people would run away, they could go there and stop them from going away further. But there was a split. It was recognised by the Speaker. A new party has been formed. They have no business to go there and intimidate them and threaten them. Mr. Buta Singh threatened Mr. Chishi. He called him and told him. (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): State Ministers are going to other States and intimidating them.

SHRI PARVATHANENI UPENDRA: I got a telephone call next morning and learnt that the previous night the Home Minister called him and threatened him that if he did not go back, there would be President's rule.

About the horse-trading they are talking about. The less said the better. We know how trunks of money are going to every State to buy MLAs, to buy every kind of people. You have been doing that. Therefore, you are experts in horse-trading. You have no moral right to talk about these things.

We know how much you spent in the Nagaland election itself. We were there campaigning. Many friends on the other side were there. I have seen them campaigning there.

SHRI BUTA SINGH: He knows better. He took the money from Hyderabad to Nagaland.

SHRI PARVATHANENI UPENDRA: Yes, yes, and you could not prove it! being the Home Minister of India, you could not prove it. That is your inefficiency.

SHRI BUTA SINGH: You would have been behind bars.

SHRI PARVATHANENI UPENDRA: They have spent lakhs and lakhs of rupees in that State in each constituency. We have seen with our own eyes. They will again do it.

SHRI BHUBANESWAR KALITA: During the election campaign in Nagaland he has openly said that the voters should demand money from the Congress(I) candidates, and now he is talking about political morality, money morality.

SHRI PARVATHANENI UPENDRA: You were there. I was there. I have seen Don't worry about it. You know it. I know it.

THE DEPUTY CHAIRMAN: Please conclude now.

SHRI BHUBANESWAR KALITA: He is talking about morality.

SHRI PARVATHANENI UPENDRA: I know it. You know it. Don't worry about it.

Last but one point, Madam, The Governor mentioned about the stability and the honest government that the previous Chief Minister has provided there. I just read two paragraphs for the information of the Home Minister.

Mr. Home Minister! are you listening or should I wait?

SHRI DIPEN GHOSH: He is supplying points to Mr. Madan Bhatia.

SHRI PARVATHANENI UPENDRA: Should I wait until you finish?

SHRI BUTA SINGH: No.

SHRI PARVATHANENI UPENDRA: Who else is here? There is no other Minister to note down.

THE DEPUTY CHAIRMAN: You are addressing the Chair. I am listening to you please.

SHRI PARVATHANENI UPENDRA: But he should listen. Who will reply? (*Interruptions*)

I don't vouchsafe for the report. I am only bringing it to your notice. Kindly verify. This is for your information.

[Shri Parvathaneni Upendra]

"Since February this year as against the maximum requirement of 4,000 metric tonnes of rice per month, the Union Government has been supplying Nagaland 9,000 metric tonnes of rice per month on ground of drought etc. There has not been any drought in Nagaland or anywhere in the North-East. As a matter of fact, there has been excess of water and floods. The reports say that the 5,000 metric tonnes of excess rice for Nagaland has been sold in the black market and the former Chief Minister has been raking in about 6 million rupees per month in this deal. In the eight months he has been in power he would, therefore, have raked in 48 million rupees. This excludes other collections on account of cement, rapseed, wheat etc."

That is the honest and efficient government the previous Chief Minister was providing, whom the Governor has praised, you have praised and you are going to praise.

Lastly, I would like to say that Nagaland is a very sensitive State. We have been there. We have seen the people's sentiments. There is a lot of bitterness against the Central Government there. In spite of that, if the Centre is behaving in an arbitrary manner, denying them a popular government, that will have serious repurcussions in that border State, and it will be against the interests of unity and integrity of this country. Therefore, I say, now that you have done it, at least you own up your mistake and immediately hold elections and restore a popular government.

Thank you.

श्री राम चन्द्र विकल (उत्तर प्रदेश) : उपसभापति महोदया, नागालैण्ड के प्रश्न को लेकर आज सुबह से ही सदन में विवाद प्रारंभ हो गया और नागालैण्ड के साथ-साथ डेमोक्रेसी की बात भी की जा रही है । उपसभापति महोदया, डेमोक्रेसी के विभिन्न अंग होते हैं । जनता इसमें पहली चीज है । फिर नुमाइंदे है सदन में पक्ष और विपक्ष के । फिर पत्रकार, चुनाव आयोग, सरकारी कर्मचारी और राजनीतिक दल सभी चीजे जनतंत्र में होती है ।

उपसभापति महोदया, मैंने सभी विरोधी पक्ष के लोगों को सुना, गुरुपदस्वामी को सुना जिन्होंने कि सुबह ही यह सवाल उठाया था । एक बात मैं उनसे यह पूछना चाहता हूं कि आप लोगों ने राष्ट्रपति जी को ज्ञापन दिया, राष्ट्रपति जी ने वह ज्ञापन पढ़ा होगा । वहां से फैसला हो गया तो आप कहते है कि डेमोक्रेसी खत्म हो ग । आप तो सारी विरोधी पार्टियों के लोग ज्ञापन लेकर गए थे, वहां फैसला हो गया ।

दूसरे जैसा मैंने कहा, सदन से भी डेमोक्रेसी चलती है । डेमोक्रेसी सारी दुनिया में चलती है तो सरकार से भी चलती है विपक्ष से भी चलती है । सदन में भी चलती है । आज ही प्रातः काल प्रश्नोत्तर काल में प्रश्न न पूछने देना यह कहां की डेमोक्रेसी है ? विपक्ष के लोग सारा समय नष्ट करें, कोई आज्ञा न माने, यह डेमोक्रेसी है ? काला दिवस यह कहा जाएगा या नही ? विपक्ष की तरफ से काश्मीर का, आंध्र का और तमिलनाडु का उदाहरण दिया गया । मैं उनको याद दिलाना चाहता हूं कि आज तो नागालैण्ड में गवर्नर की रिपोर्ट पर राष्ट्रपति ने विचार किया और वहां राष्ट्रपति शासन लागू किया, लेकिन जनता राज में नौ राज्यों की सरकार बिना गवर्नरों की रिपोर्ट प्राप्त किए समाप्त कर दी थी । वह काला दिवस क्यों नही था ? बिना गवर्नर की रिपोर्ट के सन 1977 में नौ राज्यों की सरकारें भंग कर दी गई ...

श्री रामनरेश यादव (उत्तर प्रदेश): इसको चर्चा सारी बातों पर पर्दा डालने के लिए की जा रही है ।

श्री राम चन्द्र विकल : मैं विपक्ष के सदस्यों को याद दिलाना चाहता हूं कि चिकमंगलूर से इंदिरा गांधी जी जीतकर आई थीं तब पार्लियामेंट की सीट

उनसे खाली करा ली, तब डेमोक्रेसी का हनन नहीं हुआ ? आज आप डेमोक्रेसी की बात कैसे करते है ? मैं जानता हूं डेमोक्रेसी दोनों तरफ से चलती है । लेकिन आज विपक्ष से मुझे ज्यादा खतरा डेमोक्रेसी को नजर आ रहा है ।

मैं एक बात आपसे कहना चाहता हूं कि उपेन्द्र जी नागालैण्ड के नाम पर आंध्र के बारे में ही बोलते रहे । हमने काश्मीर मे मीर कासिम को हटा दिया था, असम मे हमने अपनी सरकार को हटा दिया । जब भी जरूरत पड़ती है डेमोक्रेसी के हित मे कांग्रेस पार्टी ने अपने नेताओं का पद से हटाया । पंजाब मे दरबारा सिंह जी को हटाया । तो डेमोक्रेसी के लिए हमारी पार्टी हमेशा काम करती रहेगी लेकिन विपक्ष के लोग काला दिवस कहते रहते हैं डेमोक्रेसी पक्ष और विपक्ष में जीवित रहती है लिहाजा मैं इस सम्बन्ध म इतना ही कहुंगा कि इसको जीवित रखना है तो विपक्ष के लोगों को अपनी भूमिका सही अदा करनी चाहिए ।

श्री प्रमोद महाजन : उपसभापति, महोदया, आदरणीय पशुपति नाथ जी ने कहा कि विपक्ष प्याले में तूफान भरने का प्रयास कर रहा है। सच तो यह है कि काश्मीर से कन्याकुमारी तक और कच्छ से कोहिमा तक जो तूफान उभर रहा है, उसे अनुच्छेद 356 के प्याले में भरने का प्रयास सत्ता दल कर रही है। आदरणीय राम चन्द्र विकल जी ने कहा कि जनता शासन के दौरान 9 राज्यों में राष्ट्रपति शासन लाया गया अच्छा होता, उस समय भी न लाया जाता । लेकिन वह अपने आप में हिन्दुस्तान की एक विशेष स्थिति थी । यह 9 विधान सभायें पांच वर्ष के लिये चुन कर आयी थीं । उनका पांच वर्ष का कार्यकाल पूरा हो चुका था । और आपात स्थिति का लाभ उठा कर एक वर्ष का कार्यकाल बढ़ा दिया गया था । उस बढ़े हुए कार्यकाल को जनता पार्टी ने कम किया था ।

उपसभापति महोदया, अनुच्छेद 356 का उपयोग केन्द्र और राज्य सरकार के संबंधों में सबसे अधिक नाजुक मुद्दा रहता है । दुनिया के किसी भी फैडरल स्टेट में इस प्रकार का प्रावधान नही है । केवल हिन्दुस्तान का ही एक ऐसा संविधान है, जिसमें इस प्रकार का प्रावधान है और यह प्रावधान बहुत लम्बी बहस और विवाद के बाद आया था । जहां तक मुझे याद है, काफी विवाद के बाद इस अनुच्छेद को सम्मिलित करते समय डा0 बाबा साहिब अम्बेडकर ने कहा था कि यद्यपि यह प्रावधान सविधान में है और मैं आशा करता हूं कि यह मृत रूप में पड़ा रहेगा । दुर्भाग्य यह है कि 40 वर्ष के इस समय में इसका 75 बार उपयोग हो चुका है और अधिकांश बार गलत हुआ है । नागा भूमि में इसका उपयोग इसी श्रृंखला की अगली कड़ी है । कहा जाता है कि व्यक्तियों की चर्चा निकृष्ट होती है, घटनाओं की माध्यम होती है और सिद्धांतों की चर्चा सबसे उत्तम होती है । इसलिये व्यक्ति और घटनाओं की चर्चा को टालते हुए इसकी चर्चा में निहित सिद्धांतों के संबंध में मैं कुछ मुद्दे उपस्थित करना चाहूंगा ।

इसमें सबसे महत्वपूर्ण प्रश्न इतना ही है कि आखिर किसी भी सदन में बहुमत किस का है, इसका निर्णय कहां हो ? किसी राजनीतिक दल के कार्यालय में, किसी मुख्य मंत्री के कक्ष में या राज भवन के किसी कमरे में ? बहुमत का निर्धारण इन किन्हीं स्थानों पर हो नहीं सकता । सदन में किस का बहुमत है इस विवाद का निर्णय केवल और केवल सदन में ही होना चाहिये । दुर्भाग्य से नागाभूमि में यह नहीं हुआ । यदि नागाभूमि में इतनी स्थिति बिगड़ चुकी थी, तो वहां के राज्यपाल विधान सभा का आपात अधिवेशन बुला सकते थे । आपात

[श्री प्रमोद महाजन]

अधिवेशन को बुला कर वे, किस का बहुमत है, इसकी जांच पड़ताल कर सकते थे। जिसका बहुमत होता, उसको हुकूमत दे सकते थे। यदि यह सम्भव न होता, तो फिर अनुच्छेद 356 का उपयोग करते तो समझ में आता। लेकिन सत्तादल के कुछ सदस्यों ने अपने दल का साथ छोड़ दिया और कांग्रेस अल्पमत में आ गयी। ऐसी स्थिति में राज्यपाल की आदर्श भूमिका क्या होनी चाहिये? सरकारिया आयोग ने इस पर कहा है :—

"We recommend that in a situation of potential political breakdown, the Governor should explore all possibilities of having a Government enjoying majority support in the Assembly."

इस विषय में प्रश्न उठता है कि क्या राज्यपाल महोदय ने इन सभी संभावनाओं का पता लगाने का प्रयास किया? क्या यह जनता की इच्छा बन सकता था? अब इस संबंध में राज्यपाल महोदय ने जो राष्ट्रपति जी को ज्ञापन दिया है, उसके संबंध में अगर हम गौर करें, तो इसका अध्ययन यह बताता है कि इस प्रकार की किसी संभावना पर कोई विचार नहीं किया गया। वे पांच दिन कहां थे, इस विवाद में मैं नहीं जाना चाहता हूं। वह देर आये, इसकी भी मुझे शिकायत नहीं है, लेकिन वह दुरस्त आते हैं, देर आने के बाद तो भी कुछ बिगड़ता नहीं है। अब उन्होंने जिस प्रकार का प्रतिवेदन भेजा है, मेरे एक सम्मानित मित्र ने आरोप लगाया है कि यह गृह मंत्रालय ने लिखा है। किसी ने कहा कि वहीं पर लिखा है। लेकिन मुझे पढ़कर लगा कि किसी राजनैतिक दल के कार्यालय में लिखा हुआ प्रतिवेदन लगता है। मैं उदाहरण के रूप में आपको केवल दो तीन वाक्य पढ़कर सुनाना चाहता हूं .... (व्यवधान)

SHRI JAGESH DESAI (Maharashtra): I am on a point of order. I think, this is a very bad remark... (*Interruption*)...

श्री प्रमोद महाजन : प्रतिवेदन के केवल दो तीन वाक्य पढ़कर मैं सुनाना चाहता हूं। चूंकि अस्थिरता की प्रक्रिया कुछ एक विधायकों द्वारा अपना उल्लू सीधा करने के लिये आरम्भ हुई थी। अब चुने हुए विधायकों के संबंध में प्रतिवेदन में उल्लू सीधा करना, पता नहीं अंग्रेजी में किस का उल्लू भाषान्तर हुआ है, इस प्रकार के शब्द का प्रयोग किसी राजनैतिक दल की सभा में शोभा देता हो, प्रतिवेदन में नहीं देता है। मुझे लगता है कि आदरणीय गृह मंत्री जी और आदरणीय राजेश जी अपनी पार्टी की दृष्टि से क्या किन्हीं उल्लुओं को जो उल्टा हुए थे, सीधा करने के लिए गये थे या जो सीधे उल्लू थे उनको उल्टा करने के लिए गये थे? यह अपने आप में एक रहस्य है। लेकिन इस प्रकार से उल्लू शब्द का प्रयोग होना मुझे लगता है कि यह विधायकों की दृष्टि से अच्छा नहीं हैं।

मैं दूसरा वाक्य सुनाऊं। पता नहीं उपेन्द्र जी ने इसको अच्छा कैसे समझा राजनैतिक विद्रोह उनकी अनुपस्थिति में रचा गया, जो उच्च नागा प्रकृति के..... (व्यवधान)।

श्री दरबारा सिंह (पंजाब) : ये उल्लू उल्लू कह रहे हैं। "उल्लू सीधा करना" मुहावरा है। अपना काम निकालने को अपना उल्लू सीधा करना कहते हैं। ये मैम्बरों के लिये उल्लू कह रहे हैं।

श्री हयातुल्ला अन्सारी (नाम निर्देशित) : ये "उल्लू सीधा करना" मुहावरे को समझ नहीं रहे हैं।

श्री जगतपाल सिंह ठाकुर (मध्य प्रदेश) : ये इसका अर्थ समझ नहीं रहे हैं, इसलिये ऐसी बात कह रहे हैं।

THE DPEUTY CHAIRMAN: That is proverb.

श्री प्रमोद महाजन : उपसभापति महोदया, सारा कांग्रेस दल उल्लू के समर्थन में और मुहावरे के समर्थन में खड़ा है, इसलिये मैं उनसे समझने की कोशिश कर रहा हूं।

दूसरे वाक्य की तरफ मैं आपका ध्यान आकर्षित करना चाहता हूं। राजनैतिक विद्रोह उनकी अनुपस्थिति में रचा गया जो उच्च नागा प्रकृति और लोकतांत्रिक परम्पराओं के विरोध में है। मुख्य मंत्री की अनुपस्थिति में विद्रोह रचा गया। मुझे आश्चर्य होता है जब आन्ध्र के मुख्य मंत्री श्री रामाराव अपनी शल्य चिकित्सा के लिए अमेरिका में थे तब वहां विद्रोह रचा गया। जब राजा राजधानी में न हो तो विद्रोह करना हिन्दुस्तान के इतिहास की बड़ी पुरानी परम्परा है। इसलिए जब नये राजा विदेश जाते हैं, तो मंत्रिमंडल की बैठक न हो, ऐसी व्यवस्था कर जाते हैं। इस प्रकार की व्यवस्था करते हैं ताकि किसी प्रकार के विद्रोह की कोई संभावना उनकी अनुपस्थिति में न हो। महोदय, अब मैं तीसरे वाक्य की ओर आपका ध्यान आकर्षित करना चाहता हूं। इसमें कहा गया है कि जिस तरीके से असन्तुष्टों ने रातों रात एक नई पार्टी बनाई और सब पार्टियों से मिले, उससे यह लगता है कि उनको लोगों की सेवा नहीं करना है और यह अवसरवादी गठबंधन है। जब एक पार्टी से लोग निकल आयेंगे, तो वे रातों रात ही निकलेंगे। कोई सुबह, कोई शाम, कोई कल, कोई परसों सालों तक यह सिलसिला नहीं चलेगा। इस प्रकार के वाक्यों का प्रयोग करना और उसके आधार पर राज्यपाल महोदय का यह समझना कि अवसरवादी हो गये, मुझे लगता है कि अपने आप इस निवेदन को शोभा नहीं देता। महोदया, अब मैं अन्त में राज्यपाल महोदय के निवेदन के यह वाक्य पढ़ लूं, ताकि इसकी ताकत समझ में आये। उन्होंने कहा कि कुछ विधान सभा के सदस्यों का भूमिगत नेताओं के साथ ज्ञात संबंध थे तथा उनके विगत आचरण को देखकर यह प्रतीत होता है कि शांति बनाने रखने और बाकी समस्याओं के समाधान किये जाने के हमारे प्रयासों को गंभीर झटका लग सकता है। अब मैं यह पूछना चाहता हूं कि वे सदस्य कौन हैं? आप यह नहीं कह सकते हैं कि ये अज्ञात हैं, क्योंकि प्रतिवेदन में कहा गया है कि ये ज्ञात हैं। अगर ज्ञात हैं, तो इनके नाम क्या हैं? वे कौन थे और कांग्रेस में किस पद पर थे? क्या उनमें से कोई मंत्री था, विधायक था? अगर उस सरकार में ऐसे लोग थे, तो उनके जाने पर आपको खुशी मनानी चाहिये। इस पर मातम मनाने की कोई आवश्यकता नहीं है और उनको वापस बुलाने की कोई आवश्यकता नहीं है। महोदया, यह पैरा पढ़कर यह लगता है कि यह प्रतिवेदन एक राजनैतिक प्रतिवेदन है। इसमें कोई संवैधानिक बात नहीं है। और इसको देखकर मुझे लगता है कि जब भी कोई इस तरह का राजनैतिक संकट आता है, तो उसके समाधान के लिये हम व्यक्तिगत रूप से एक राज्यपाल के निर्णय के ऊपर रहते हैं। अब अगर कोई राज्यपाल इस प्रकार का प्रतिवेदन भेजे, उसे कोई अगर केन्द्रीय सरकार का बिचौलिया कहे, तो यह कहने वाले की कोई गलती नहीं हो सकती। इसमें बेहतर यह होता कि विधान सभा का अधिवेशन होता, वहां पर शक्ति परीक्षण होता और तब निर्णय होता। राज्य की जनता के चुने हुए प्रतिनिधियों की इच्छा और केन्द्र में बैठी हुई सरकार की राजनैतिक इच्छा इनके चलते यह संघर्ष होता। यह एक निरन्तर संघर्ष है और इस संघर्ष में जीत राज्य की जनता की इच्छा की ही होगी। केन्द्र के दबाने से कुछ नहीं होगा। लेकिन यह संघर्ष कितना अधिक होगा, इससे राष्ट्रीय एकात्मकता का ढांचा निर्बल बनता जायेगा खासकर पूर्वांचल की सप्त बहनों के प्रदेश के साथ इस प्रकार का खिलवाड़

[श्री प्रमोद महाजन]

भविष्य में समूचे राष्ट्र को निर्बल बना सकता है और उन्हें राष्ट्र की मुख्य धारा से अलग करेगा।

शायद गृह मंत्री या उनका दल एक राज्य में आने वाली गैर कांग्रेसी सरकार को रोकने पर अपनी पीठ थपथपायें, लेकिन मैं इस संबंध में इतना ही कहना चाहता हूं कि अगर वे इस तरह के तानाशाही मार्ग पर चलते रहें, तो शायद वे यहां पर अपने बहुमत के आधार पर इस समय किसी पार्टी की वहां पर सरकार न बनने दें, लेकिन अगले हारों के लिये उन्हें तैयार हो जाना चाहिये, यही इसका अर्थ है, इन शब्दों के साथ मैं इसका कड़ा विरोध करता हूं।

SHRI S. C. JAMIR (Nagaland): Madam Deputy Chairman, with a heavy heart I participate in this discussion because it is no other party, but it is the Congress party which was ruling and which is no more ruling in that State. It gives me a feeling of despondency and a feeling of grief. Yes, we are discussing President's rule in Nagaland. But it is like a funeral speech, like obituary reference. It is already dead. We are only trying to find out the causes of death whether it was due to heart or any other ailment etc. ...(*Interruptions*)... Many things have been said about Nagaland. But may I remind this august House that in a situation like this, we have to be realistic and we should not be biased towards any group or party?

Many uncharitable things have been said about Nagaland MLAs in the course of discussion. As a representative of Nagaland, as a tribal leader, I want to place the record straight because I was also one among those who went there. And don't criticise us just because we went there as Congressmen that was our duty. There was nothing wrong in sending the Home Minister or the Transport Minister or any other Minister. It was our duty as a party. Let there not be any grudge as far as the going of Home Minister or other Ministers to Nagaland is concerned. Secondly, it will be very uncharitable on the part of the Opposition to say that the Prime Minister had a talk with the Speaker. That is wrong. The Speaker and I came together. We never met the Prime Minister. I also never met the Prime Minister. The Speaker also never met the Prime Minister. The press statement read out by Mr. Dipen Ghosh is wrong. Thirdly, the Home Minister never brought any money...

SHRIMATI BIJOYA CHAKRAVARTY: Are you sure?

SHRI S. C. JAMIR: Yes, because I was there. And don't think that Nagaland MLAs are a commodity.

Then I want to remind the House that we the Nagas have been struggling for more than one decade to fight insurgency there. The underground Nagas did not want to be with India, they did not want to be with the national mainstream. But we told them, in the land of Mahatma Gandhi, in the land of Jawaharlal Nehru, every individual will have the freedom to express his or her views, in the land of Gandhi every individual will have the opportunity to develop his or her own personality. That was the call we made to the underground Nagas. And with the formation of the State of Nagaland we started functioning as an integral part of this great nation. And we still believe that India is the greatest democracy in the world and will continue to uphold the values of democracy, whether it is the Opposition or the Congress.

Many a time we find experts: Nagaland experts, Meghalaya experts, Arunachal experts, Mizoram experts, and so on; those are the people who are misbriefing the authorities here. We know that we want. The tribal people know what they want or what is best for them. We do not need any briefing from any experts. It is only because of misbriefing by such experts that we have landed in this kind of difficulty today in Nagaland. If we are no tcareful, in many hill areas, this kind of difficulties will crop up on the advice of the so-called experts. Even

we are not experts and we don't need experts. The world is changing. Even the tribal life is also changing. Let us be very careful in future Don't rely only on the advice of so-called experts on tribal issues. At least have reliance on us. We shall not betray you. Whatever is good, whatever is true, we shall speak out. We are not *chamchas*. We respect the leader, we respect the nation, we respect the unity of India. Don't have any doubt on us.

Coming to one of the remarks in the Governor's recommendation as if our MLAs have got connection with underground Nagas, why? They have taken oath of allegiance to the Constitution of India. Everyone has taken the oath. Have you any doubts on the oath taken by us? I think it is very wrong to attribute motives to our MLAs who have taken oath of allegiance under the Constitution. But it is very unfair...*(Interruptions)*... whether it is made by the Governor or anybody else, it is very 6.00 P.M. unfair and I am very unhappy to find that the Governor is doubting our elected representatives of the Naga people. This is very wrong and that much I can say.

Another point which I would like to say is this: There was no pressure on anybody as far as this is concerned. The Speaker took a decision on the basis of the anti-defection law and there was no pressure given to him either by the Home Minister or by me because I was sent from here, or from anybody else. But our only attempt was to unite the party, unite our party. Our aim was: Why not we unite the party? There was nothing wrong in that and you should not misinterpret our efforts to unite the Congress(I) Party. We shall continue to unite, we shall continue to remain united and there is nothing immoral in that.

Then, Madam, we have heard very uncharitable language and utterances having been used against those people who have run away from the Congress (I). But they have their own grievances. Why should we look at only one side? What is their complaint? They want internal democracy. That is all right. The other things are immaterial. ..*(Interruptions)*... They want to have a strong Government. Otherwise, they are not against the Congress (I) also. And they want to have a strong Government. So, it is my strong plea: Don't attribute motives to them and don't tell so many things against them. After all, they have been elected by the people and they have been members of the Congress (I) Party. Unfortunately, because of this *internal mishap, we have landed in this* difficulty. But I can tell you that we are also nationalists, they are also nationalists, and they are not against the ongress (I), as far as I could read their minds. Yes, one or two may be there. But they are not against the Congress (I). But they are against certain things which are undermining the progress of Nagaland.

Another point which I would like to stress is this: Madam, in future, whether it is in Nagaland or any other tribal area, let us take into confidence the representatives of the people. Whatever decision was taken, I hope, is in the best interests of the country and the people. But how can a Government be established there? We were in a majority. But the majority has been reduced to a minority. How can a Government be formed there? How can elections be held? I am asking this question because we had elections only in November, very expensive elections indeed. Again, they sent their representatives, the people sent their representatives. So, I can only say, I can only suggest, that during the President's Rule, the different sections should cooperate and during the President's Rule you must see that development also is speeded up and the supply of essential commodities and other things is streamlined so that the people are kept happy, so that they do not feel any hardships during the President's Rule. The period of the President should not be a

[Shri S. C. Jamir]

nightmare, but it should be used to consolidate the gains of this Government and also to plug the loopholes which has been created in the course of running this Government.

With these few words, Madam, I urge upon the House not be exercised by emotion or sentiments. Let us see the reality tion or sentiments. Let us see the reality will be frank, and they cannot be dominated or tutored by any forces from out side. Thank you.

THE DEPUTY CHAIRMAN: Yes, Mr. Ram Awadesh Singh...(*Interruptions*)...

SHRI V. GOPALSAMY: The Congress (1) people have not understood the speech of Mr. Jamir...(*Interruptions*)...

SHRI CHIMANBHAI MEHTA (Gujarat): You do not know. Many of us supported also...(*Interruptions*)...

SHRI V. GOPALSAMY: Mr. Jamir exposed your Government here...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Order, order, please.

[उपसभाध्यक्ष (श्री जगेश देसाई) पीठासीन हुए।]

श्री राम अवधेश सिंह : महोदय, आज की बहस ऐसी है कि जिस पर हम लोगों को गंभीरता से विचार करना चाहिये। जम्हूरियत के बारे में आज बहुत सत्ता पक्ष से और विरोधी पक्ष से भी बातचीत हुई। जम्हूरियत के बारे में मैं एक वाक्य कहना चाहता हूं कि हार स्वीकार करने में अब जब तक उत्साह नहीं रहेगा, तब तक जम्हूरियत नहीं चल सकती। जिस समय सत्ता पक्ष या प्रतिपक्ष हार को स्वीकार करने से कतराता है, उस वक्त ही जम्हूरियत की हत्या होने की शुरूआत हो जाती है, क्योंकि जब मन में बैठ जाती है कि हम हार स्वीकार नहीं करेंगे, तो दांव-पेंच और तिकड़म शुरू हो जाती है, इसलिय जम्हूरियत की हत्या शुरू हो जाती है।

महोदय, यह नागालैण्ड में जो हुआ, इसके बारे में हर साथी ने पूरे विस्तार से कहा है और मैं उसको दोहराना नहीं चाहता हूं कि कैसे हुआ, कितने लोग आए। यह सारी चर्चा हो चुकी है। लेकिन एक बात साफ है कि आपने जो कानून बनाये, उस कानून के तहत जब स्पलिट है और जब नेता का चुनाव स्पलिट करके हो गया, उसके बाद फिर जाकर इधर से उधर करने वाला काम कम से कम अनैतिक जरूर है ही, गैर कानूनी भी है। लेकिन अनैतिक तो निश्चित ही है। महोदय, सरकारिया कमीशन ने भी लिखा है, और हमारे संविधान में और ब्रिटिश संविधान में भी यह परम्परा, बहुत स्वस्थ परम्परा पैदा हुई है कि ऐसे वक्त में जब स्पलिट हो या बहुमत वाली सरकार अल्पमत में आ जाए, इसकी आशंका हो जाय या एलान हो जाय, तो गवर्नर या राष्ट्रपति को चाहिए कि सारी पासिबिलिटीज को एक्सप्लोर करे। अपने देश में ऐसी परम्परायें, ऐसी स्वस्थ जनतांत्रिक परम्परायें भी कायम हुई हैं, आपको याद होगा जब मोरारजी भाई ने इस्तीफा दे दिया था, उस वक्त तत्कालीन राष्ट्रपति श्री रेड्डी ने किसको पहले बुलाया ? जो कांग्रेस पार्टी के इंदिरा कांग्रेस के नेता जो सदन में थे श्री वाई० बी० चव्हाण, उनको आमंत्रित किया कि आप सरकार बनाने की पासिबिलिटीज एक्सप्लोर करिए, क्योंकि उस समय प्रतिपक्ष के संख्या के हिसाब से सबसे बड़े नेता वही थे। इसलिये राष्ट्रपति ने उनको बुलाया, मुंह से नहीं कहा, बल्कि आमंत्रित किया कि आप सरकार बनाइये। सरकार बनाने की सारी संभावनाओं का पता लगाइये। जब उन्होंने प्रयास किया और वह सरकार बनाने में विफल रहे, तो फिर दूसरे आदमी चरण सिंह जी को बुलाया और कहा कि आप

सरकार बना सकते हैं, तो आप सरकार बनाइये ।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Y. B. Chavan was not from Congress (I). He was either from Congress (R) or Congress (S).

SOME HON. MEMBERS: Congress (O).

श्री राम अवधेश सिंह : तो मैं उसका सुधार कर लेता हूं ।

उपसभाध्यक्ष (श्री जगेश देसाई) : फिर ठीक है ।.....(**व्यवधान**) ।

श्री राम अवधेश सिंह : लेकिन कांग्रेस (आई) का समर्थन था । लेकिन संख्या के हिसाब से जो सबसे बड़ी पार्टी में प्रतिपक्ष के नेता थे, उनको राष्ट्रपति ने बुलाया । इसलिये मैं यह कहना चाहता हूं कि जब स्पलिट होकर 13 आदमी मिलकर उन्होंने एक संयुक्त विधायक दल बना लिया तो उस समय यह उनकी नैतिकता थी, और कंस्टीट्यूशन कन्वेन्शंस जो इस देश में डिवलप हुई हैं, उसके तहत यह जरूरी था, राज्यपाल के लिये कि वह जो नेता चुना गया, उसको बुलाता फिर अगर वे सरकार बनाने में विफल हो जाते, तो उसको भंग करते या भंग करने की सिफारिश करते । यह राज्यपाल का नैतिक दायित्व था । मैं पिछले दिनों एकाडमिक स्तर पर इस बहस को ले जाना चाहता था कि जो संविधान की धारा 356 है, उसका दुरुपयोग हो रहा है और राज्यपाल एक ऐसी संस्था है, एक ऐसा इस्टीट्यूशन है, जिसका इस्तेमाल भारत सरकार का गृह मंत्रालय रबर-स्टाम्प की तरह जब चाहता है, तब करता रहता है । यह हमारे लिये और आने वाली पीढ़ी के लिये बहुत खराब बात है । आप कह सकते हैं, हमेशा कहते आये हैं, सत्ता पक्ष के लोग कि आपने भी रबर-स्टाम्प की तरह गवर्नर को इस्तेमाल किया था, 1977 में...(**व्यवधान**)... ।

SHRI VISHWA BANDHU GUPTA (Delhi): On a point of order, Sir. Is the use of the word "rubber stamp" parliamentary or unparliamentary"?

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): It is not unparliamentary.

SHRI V. NARAYANASAMY: I am on a point of order. The conduct of the Governor cannot be criticised in this House by any Member.

श्री राम अवधेश सिंह : मिस्टर नारायण स्वामी, आपकी दो साल की पार्लियामेंटरी लाइफ है और मेरी बीस साल की । आप कृपया बैठिये ।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Members should take care about that.

SHRI V. NARAYANASAMY: Sir, he can discuss anything in the report. But to describe him as a 'rubber stamp' is not correct. That word should not be there. I want a ruling on that.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): It is all right in this context. He is discussing the report given by the Governor. It may be his personal view.

SHRI V. NARAYANASAMY: He talks about the conduct of the Governor. That word should not be there.

THE VICE CHAIRMAN (SHRI JAGESH DESAI): It is all right in this context.

SHRI ASHIS SEN (West Bengal): We have been discussing and referring to the Governor like that for the last two hours. He has woken up very late or he was not in the House.

श्री राम अवधेश सिंह : महोदय, मैं यह कह रहा था कि पिछले दिनों भी मैंने चिन्ता व्यक्त की थी कि गवर्नर को, कंस्टीट्यूशन में प्रावधान कर, ऐसा रखना चाहिये कि उस पर अंकुश लग सके, पार्लियामेंट का या लेजिस्लेचर का अंकुश रह सके, क्योंकि इस पर अंकुश न होने से हम भी दुरुपयोग कर सकते हैं, कल सत्ता में आने पर,

[श्री राम अवधेश सिंह]

आप तो कर ही रहे है । तो हमारा आपसे यही अनुरोध है कि सरकार और पूरा सदन इस पर गंभीरता से विचार करे । चूंकि राष्ट्रपति के खिलाफ इम्पीच कर सकते हैं, किसी सुप्रीम कोर्ट के जज के खिलाफ इंपीच कर सकते हैं, लेकिन राज्यपाल अगर गृह मत्रालय के इशारे पर काम करे या अपने से खुद गैर-कानूनी काम करने लग जाये, तो कंस्टीटयूशन में अभी तक कोई प्रावधान नही है कि हम उस पर अंकुश लगा सकें, इसलिये संविधान में इस बारे में संशोधन होना चाहिये और सरकारिया कमीशन की जो रिपोर्ट है, उसके तहत यह बात आनी चाहिये... (व्यवधान)

आपकी ओर भी देखना जरूरी है । जब थोड़ा चहचहाते हो, तो उस चहचहाने को भी देख लूं, जरा ....।

मैं यह कह रहा था कि गवर्नर के ऊपर थोड़ा अंकुश लगाने का प्रावधान होना चाहिये, ताकि यह जो शिकायत आपको रहती है कि आपने भी दुरुपयोग किया और हम आज कह रहे हैं कि आप दुरुपयोग कर रहे हैं, जनतन्त्र की हत्या हो रही है, ऐसी बात न हो । साथ ही गवर्नर को भी डर रहे ताकि वह मनमाने ढंग से 356 का उपयोग न करे या 174–2 (बी) का उपयोग न करे, क्योंकि 174–2(बी) के तहत भी गवर्नर को किसी असेम्बली को भंग करने का अधिकार मिल जाता है । इसलिये हम चाह रहे हैं कि गवर्नर को संविधान के तहत जो पावर दे दी गयी है, बेलगाम, उसका दुरुपयोग शासक दल करता है । उस पर हमेशा के लिये ऐसा अंकुश लगाया जाये या कनवेंशन एस्टेब्लिश हो जाये कि वह उस कनवेंशन को न तोड़ सके । नागालैण्ड के केस में तो इस कनवेंशन को बुरी तरह से तोड़ा गया है और अपना पक्षपाती चेहरा दिखाया है ।

महोदय, जमीर साहब ने जो कि नागालैण्ड के भूतपूर्व मुख्य मंत्री रहे है, इन्टरनल डेमोक्रेसी की बात कह कर मेरे दिल को झकझोर दिया है । उन्होंने इन्टरनल डेमोक्रेसी की बात सही कहीं कि नागालैण्ड के विधायकों के प्रति जो शब्द कहे गये, उससे वे दुखी थे और उन्होंने कहा कि जो हुआ, वह इसलिये नहीं हुआ कि वे बेईमान थे या उनकी नियत खराब थी । वह उन्होंने इन्टरनल डेमोक्रेसी के लिये किया और जो पार्टी के अन्तर हुआ, वह उनको अच्छा नहीं लगा । तो इन्टरनल डेमोक्रेसी स्थापित करने के लिये उन्होंने लड़ाई की । मैं समझता हूं कि यह सबसे सही बात उन्होंने कही । महोदय, आपकी पार्टी में .....।

उपसभाध्यक्ष (श्री जगेश देसाई) : आपकी पार्टी में कैसे ? सबकी पार्टी मे ।

श्री राम अवधेश सिंह : आपकी पार्टी, कांग्रेस पार्टी की, मैं उसमे सुधार कर कह रहा हूं, सत्ता पक्ष की तिलभर की गलती विरोधी पार्टी की पहाड़ भर की गलती से भारी होती है । इस बात को हमेशा ख्याल रखना चाहिये क्योंकि सत्ता पक्ष के लोग यदि उस दिमाग से काम नही करेंगे, तो आगे चलकर और भारी नुकसान देश को झेलना पड़ेगा । मेरा कहना यह है कि आपके संविधान में ऐसा है कि वहां इन्टरनल डेमोक्रेसी रह ही नही सकती ।

उपसभाध्यक्ष (श्री जगेश देसाई) : आप रोज अखबार में दूसरी पार्टी के बारे में भी पढ़ते हैं ।

श्री राम अवधेश सिंह : वह हमारे दल में भी है । हमारे दल मे भी यही स्थिति है कि प्रेसीडेंशियल फार्म आफ कास्टीट्यूशन है और इसका फार्म पार्लियामेंटरी है । तो सत्ता पक्ष का जो संविधान है, उस पर बहस.....

उपसभाध्यक्ष (श्री जगेश देसाई) : यह बहस का मुद्दा नहीं है ।

श्री राम अवधेश सिंह : यह मुद्दा ऐसा है कि जब शासक दल का संविधान गैर-जनतांत्रिक हो, तो देश का संविधान जनतांत्रिक नहीं रह सकता यह एक अहम सवाल है, जिस पर देश के बुद्धिजीवियों और तमाम नागरिकों को सोचना होगा। इस पर अभी मांग होती है कि यह करप्ट गवर्नमेंट है।

उपसभाध्यक्ष (श्री जगेश देसाई) श्री राम अवधेश जी, सात मिनट हो गये है, फिर भी मैंने आपको बोलने दिया है। अब भविष्य में दिक्कत हो जायेगी।

श्री राम अवधेश सिंह : उपसभाध्यक्ष महोदय, आप बहुत उदार है।

उपसभाध्यक्ष (श्री जगेश देसाई) आप उदारता का गलत इस्तेमाल कर रहे हैं।

you are taking an undue advantage.

श्री राम अवधेश सिंह : महोदय, मैं यह कह रहा हूं कि अब केवल देश की जनता या विरोधी पार्टियों को इस पर बहस नहीं करनी चाहिये कि कांग्रेस पार्टी भ्रष्ट है, यह भी बहस करनी चाहिये कि अगर सत्ता पक्ष का संविधान गैर-जनतांत्रिक होगा, तो क्या देश में जनतान्त्रिक संविधान रह सकता है? क्या देश में जनतन्त्र चल सकता है? यह एक बुनियादी प्रश्न है।

उपसभाध्यक्ष (श्री जगेश देसाई) : मैं आपके मन की भावना समझ गया।

श्री राम अवधेश सिंह : 21 आदमियों की जो नेशनल वर्किंग कमेटी है, उस में आपका संविधान कहता है कि 14 नोमीनेटेड होंगे और 7 इलैक्टेड होंगे।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): No, no. This is not the forum for that. I will not allow it. That it not relevant here. Why are you discussing the constitution of some party here?

श्री राम अवधेश सिंह : सिर्फ एक वाक्य कहने दीजिये। मैं वाक्य पूरा करना चाहता हूं कि मनोनयन जब निर्वाचन की गर्दन पर चढ़कर चलेगा, तो जनतन्त्र खत्म होगा, क्योंकि निर्वाचन जनतन्त्र की आत्मा है, मनोनयन का खात्मा है। इसलिये आपके हाथों जनतन्त्र खत्म हो चुका है और जब देश का प्रधान मंत्री और शासक दल का अध्यक्ष हो जायेगा, उसी दिन पार्लियामेंट की, डेमोक्रेसी की हत्या हो जायेगी।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): It has no relevance. (*Interruptions*). Yes, Mr. Madan Bhatia.

SHRI MADAN BHATIA (Nominated): Mr. Vice-Chairman, Sir, the arguments which have been advanced by the hon. Members on this side of the House have been just as baffling as the fronts and mergers which they are inflicting on this country. I respectfully submit, Sir, that it is a fact of history that the people who are inhabiting Nagaland were kept out of the national mainstream of India by the British. If they were brought into the mainstream of Indian life it is under the leadership of the Congress Governments. If they were made a part of the Constitution of India and of the constitutional institutions of democracy which were established in Nagaland it is because of the leadership and farsightedness provided by the leaders of the Congress Party in power. Let us not forget this. But my respectful submission, Sir, is that the question before this hon. House today is a question of far-reaching constitutional importantce. And that involves the scope and ambit of clause 3 of the Tenth Schedule. I put it to this hon. House because what we are going to say today as a result of the happenings in Nagaland that may be a precedent, a very important institutional precedent. We are in fact from day to day, let us not forget, laying down conventions which ultimately will become an integral part of the Constitution of India. And that is supposing one-third Members of a political party just fling a letter to the Speaker and say we have resigned from the party, do they get protection of clause (3) of the Tenth Schedule? That is, in fact, the basic question before we come to

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the conclusion as to whether the action or the decision of the Government of India was constitutionally and politically and ethically and morally right or it was not right.

[THE VICE-CHAIRMAN (SHRI B. SATYANARAYAN REDDY] in the Chair. What has happened in this particular case? I just want to draw the attention of this hon. House as to how the things moved. On the 30th of July a letter is flung to the Speaker. That letter bears the date of 28th July. But one fine morning the Speaker receives this letter. What does this letter say? It has only four lines. It says: We, the undersigned legislators of the Congress (I) Legislature Party of Nagaland hereby tender our resignation individually and collectively from the Congress (I) Legislature Party with immediate effect. And this letter is signed, purportedly signed, by 13 Members. May I ask whether such a letter would give them the protection of clause (3) which provides that if a group is formed consisting of at least one-third Members of a Legislature Paty as a result of a split, they will not lose the seats? I draw the attention of this hon. House to clause (3). Clause (3) says: I read:

Disqualification on ground of defection not to apply in case of split.

"Where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen..

Now these words are very important—"which has arisen"

...as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party,—

he shall not be disqualified..."

Sir, there are two conditions precedent. The person belongs to a group the strength of which is not less than one-third of his legislature party. But there is another condition precedent. That is, that that group or faction has come into existence as a result of a split in the political party to which he belonged.

SHRI V. NARAYANASWAMY: Original political party.

SHRI MADAN BHATIA: Merely because thirteen Members got together to submit a collective resignation to the Speaker does not mean that a split has taken place in the original political party. They only formed a group. That satisfies only one condition of paragraph, 3, namely, that these thirteen Members belong to a group or a faction the strength of which is not less than one-third. But is there a single word in their letter of resignation that they are resigning as a result of a split which has taken place in the Congress Party? Not a single word. It is a ridiculous letter. It is simply a letter saying 'We resign'. Where one individual resigns, he incurs disqualification. If thirteen Members join together and resign collectively, it is still a disqualification, unless the resignation is the result of a political split, a split which has taken place in the original political party.

Sir, we have to give content to a deliberate expression used in paragraph 3 of the Tenth Schedule. That a person, a Member, belongs to a faction or a group wich has come into existence as a result of a split. What is the meaning and content of the word 'split'? That is the question, that is the fundamental Constitutional question, before this hon. House, before Parliament, before the people of India. That is why I say, what we are going to say today is going to be the foundation of future conventions, which will govern the scope and ambit of paragraph 3 of the Tenth Schedule. Split necessarily means a democratic fragmentation of a political party. Unless the group or the faction which comes into existence is preceded by a democratic fragmentation of the party, original political party, you cannot say that a split has taken place. Was there any democratic fragmentation of the Congress(I) Party in Nagaland? The sequence of events clearly shows that this was nothing

but a political *coup* brought about in connivance with the Speaker and some other parties in the dark hours of 29th and 30th July.

What actually happened? On the 30th July, the letter is flung before the Speaker. What is the order made by the Speaker? I have gone through this order. I respectfully submit that the reason which has been given by the Speaker is not only unsustainable but Constitutionally absurd. What does he say? He says 'I have minutely examined the matter. The guiding principle for me here is the statutory provision contained in paragraph 3 of the Tenth Schedule. This provision requires that to constitute a split in the legislature party, the first requisite is that there should be a split in the original party'. He recognises that in order to constitute a group, there should be a split. But what does he say further? In the instant case, as per documents submitted, first there has been a split in the original party. He says there has been a split. How has there been a split? As all the 13 signatories out of 34 M.L.As. constituting one-third of the legislature party have resigned. Now what does it mean? He is equating the resignation and the formation of a group with the split in the political party. He recognises that unless there is a split, clause 3 will not apply. But he says, there is a split because there is a group and there is a resignation. I respectfully submit this is nothing but an absurd constitutional decision made by the Speaker.

Now what is the position? This happened on the 30th night. On 31st of July, the leader of one of the Opposition parties goes and says, all the four Opposition parties have joined hands together and they have decided to work together as one group. The whole thing has been one within 24 hours on the basis of one letter containing a collective resignation given by 12 or 13 members. Does it not indicate a political conspiracy? Does it not indicate a political *coup* behind the back of the poltical party? Can it be said on the basis of this sequence of events and on the basis of this letter that there was a split in the Congress(I) Party? I respectfully submit that this sequence of events is nothing but a fraud done under the Constitution, particularly on clause 3 of the Tenth Schedule.

SHRI V. GOPALSAMY: Committed by the Governor.

SHRI MADAN BHATIA: I am not going to the Governor at all. Please try to understand this.

This is what has happened. Now if you see, if these 13 members were not protected by clause 3, they were liable to lose their seats; they stood disqualified. Instead of disqualifying them, the Speaker gives them recognition as a separate party. This is the crux of the case. If the Legislature of Nagaland comes to this impasse that those who have suffered disqualification are given recognition by the Speaker to form a separate political party and they seek to join hands with other Opposition parties to bring down a duly elected majority Government of Nagaland, then there cannot be a more serious case for invoking the powers of the President under article 356 of the Constitution. And this is exactly what has been done.

I do not want to go into the report of the Governor at all. I am not concerned with the statements which are contained in the report of the Governor. This fact by itself was sufficient enough to dissolve the Assembly, and the Assembly has been rightly dissolved. I will give examples also. What happened in 1977 in Karnataka? When some members defected from the Government of Mr. Urs, the Assembly was dissolved by the Janata Government. What were the allegations made against the Urs Government? That it was marked by corruption, nepotism and so on. These are the allegations contained in the Governor's report, but I will not go into them. Then what is the threat which has been used by Mr. Hegde to keep his flock together? The threat of dissolving the Assembly. If this is unconstitutional, then this whole act has been unconstitutional. That is how he has been

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able to keep his flock together in Karnataka. I respectfully submit, the Constitution has taken care of individual defections. But the Constitution has not gone into the question as to what happens if a large number of members bring about even a split for ulterior personal motives in order to bring down their own Government. For that, the only instrument present in the Constitution is the power of the Governor to dissolve the Assembly or the power of the President under article 356 to step in, assume the powers of the Governor and dissolve the Assembly. This is not only in India. I will give one example from Britain, the Mother of Democracy, whose conventions, according to the Supreme Court, are applicable so far as India is concerned.

When Harold Wilson was threatened with defections by a large number of his Members, which would have reduced his party in Parliament to a minority, he uttered a threat to his Members: "If you bring down my Government, which has been duly elected, by voting against me or by defecting from the Labour Party, I warn you, I shall secure dissolution of the House of Commons."

This is a democratically recognized convention because this is the only way in which you can stop democracy from going off the rails when some Members who have been elected to a particular party decide to desert that party on account of personal motives, on account of personal aggrandizement, on account of their personal frustrations or on account of the fact that their hope of getting offices has not been fulfilled. This is exactly what has happened in Nagaland. The Speaker, and other Opposition parties took advantage of this fact, entered into a conspiracy and tried to inflict upon the people of Nagaland a Government against the wishes and the desires of the politically-expressed will of the people of Nagaland in November 1987. Therefore, I support the Resolution.

Thank you, Sir.

SHRI N. E. BALARAM (Kerala): Mr. Vice-Chairman, Sir, we are now discussing the serious situation which has arisen in Nagaland. All of us know that it is a very sensitive area. Therefore, we should be all the more careful so as not to disturb the sentiments of the brave people of Nagaland, and we should not create an impression that we are treating them undemocratically or unconstitutionally. That much we will be careful when we discuss this matter.

Sir, I have listened to the statement made by the honourable Home Minister and I have gone through the wireless message sent by the Governor. Somebody was talking about 24 hours' notice but here we have a wireless message. He was talking about time, but to dismiss the Government what you need is only this wireless message or wireless report!

What are the reasons stated by the Governor? I have gone through the document. Number one is, those who have split away and formed a party, and other Opposition MLAs, do not have an ideology and have no desire to serve the people. That is what he has found out. He has stated it here, put in clean words. This is the most humiliating report I have seen, humiliating to the whole Naga people. So, these MLAs have no ideology, no desire to serve the people. That is number one. Number two: The split of the party is due to their desire for offices of profit and other benefits and personal aggrandizement. All these MLAs split away and formed a party because they want more powers, they want more money, they are after money, they can be purchased by anybody, they are commodities. This is what the Governor reported.

Number three, there may be horse-trading in the future. In Nagaland, if the situation is allowed, there will be total horse-trading. So, he is afraid of it.

Number four, the former Chief Minister, Mr. Sema told him that the Assembly should be dissolved and the Ministry should be dismissed. This is one of the reasons.

Five, all thee MLAs are kept in forcible confinement.

Sir, the party they have formed is trying to get and is yet to get recognition from the Election Commission.

These are the six reasons stated by the Governor for dismissing the government. Granting that some MLAs are after money, that some MLAs are not serving the people, granting all these things, I ask a question: Does it show that the state of affairs or the particular situation is such that the State Government cannot be formed or cannot function according to the provisions of the Consttution? I do not understand that. What is the ideology of the Muslim League? I would like to know this. The Congress Party was ruling along with a communal party, the Muslim communal party, the Christian communal party, the Nair communal party, the Exava communal party for six years. What is the ideology? Why did you not dismiss that government? The hon. Member there says that the Governor looks for an ideology. Let me ask whether the Constitution has asked him to look into the ideology of any political party. I don't think. Where are the constitutional experts? Where have they gone? I would like to ask: Does the Constitution ask him to go into the ideology of a political party? I have read nowhere like that so far. What are you talking now?

The whole theory advanced by the Governor, the whole content of the Governor's report was demolished by Mr. Jamir. I congratulate him, he has demolished it. He said, "Not a single MLA in Nagaland can be purchased like a commodity." But the Governor, the so-called Governor, Gen. Krishna Rao says that every MLA can be purchased and that there would be....

SHRI M. M. JACOB: He is Governor.

SHRI N. E. BALARAM: I don't accept him as governor.

THAKUR JAGATPAL SINGH: He is Governor. How can you say "so-called Governor"? (*Interruptions*)

SHRI M. M. JACOB: Can we say "so-called Member of Parliament?"

SHRI N. E. BALARAM: I agree, he is Governor. I don't say "so-called". I am sorry.

SHRI V. GOPALSAMY: He has given the so-called report.

SHRI N. E. BALARAM: The Governor says that all these MLAs can be purchased, that horse-trading can take place. This is what he says. A Member coming from that area, a Member belonging to those sections of people, can be purchased, he says. Please read it out. There is a possibility of horse-trading, also he says.

THE VICE-CHAIRMAN (SHRI B. SATYANARAYAN REDDY): Mr. Balaram, don't look to that side. Address the Chair.

SHRI N. E. BALARAM: So, I may point out that the entire theory of horse-rading has been demolished by Mr. Jamir. I congratulate him. He has demolished this report. He says MLAs are defectors and re-defectors so that their job was to defect to this side and to that side, and they were Congress party members.

AN HON. MEMBER: They cooked up the story of Bhajan Lal.

SHRI N. E. BALARAM: Bhajan Lal, that is a gang of Aya Ram and Gaya Ram. And they want the poor innocent Nagas to become like Aya Rams and Gaya Rams. Please don't humiliate these people. If you feel a Government of yours is thrown out there, please keep quiet and accept the defeat. You should have asked the Governor to form a new Government because there was a majority party. The Governor himself has admitted two things in the Report. One is that the Opposition party had got 35 members. That means they had got majority. He himself has admitted this in the Report. Number two, the Governor himself reports that it was a split. If the Governor admits it is a split and the Speaker says that it is a party split on the basis of Clause (c) of Schedule X of the constitution; the same

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Clause (c) of Schedule X itself is sufficient so dismiss the Government. You cannot dismiss the Government on the basis of the report telexed by the Governor because it does not say that there was no Constitutional Crisis there. There was no constitutional difficulty there. He did not envisage difficulty there. Then why did you dismiss the Government? Nobody knows. The only difficulty is that the Congress Government has fallen down and it has no majority in the Assembly. This is the simple political reason. You lost one of your Governments. You are losing so many Governments in the future. There is no doubt about it. This is only the beginning.

SHRI V. GOPALSAMY: Centre will also fall.

SHRI N. E. BALARAM: Centre will fall later on. So, you cannot dismiss them like that.

I demand the Governor of Nagaland to be dismissed immediately, because he has not done his Constitutional duty to this Parliament and to this House. He has not fulfilled his commiment to this House. He gave a very wrong report. He was not asked for such a report. He was asked to submit a report on the basis of the Constitution. Secondly, I am opposed to the Resolution. Thirdly, I do not know when the Home Minister will get out of the spiritual crisis, because of the serious sins he has committed during the last so many months.

SHRI V. GOPALSAMY: Mr. Vice-Chairman, Sir, the country has witnessed yet another assault on democracy. As long as article 356 exists in the Constitution of this country the rulers are tempted to use this weapon to strike, to assault and liquidate democracy. When the first elections took place in 1952, in the composite Madras, the results went not in favour of the Congress but the leader of the majority party who was not asked to form the Government. The office of the Governor was grossly misused to liquidate democracy. Right from that day the practice is continuing. Some of our Members referred to what happened when the Janata Party was in power. I cannot justify it if a crime is committed by a party other than the Congress-I. Who ever sits in power they are tempted to use this article 356 against States.

Therefore, Sir, when Mr. Bhupesh Gupta introduced a Private Member's Bill to reduce the expenditure of the Governors, I went on record in the discussion on the floor of this House that the institution of Governor should be abolished in this country. This statement by the Governor is atrocious because very uncharitable remarks, very uncharitable references have been made against the elected members of the people, members of the Legislative Assembly. So many words like 'cheated' have been used by him.

Sir, the Governor when he reports to the President of India, he says "To topple the constitutionally elected ruling party Government by forging an alliance of conveniecne with the Opposition with an eye on office of profit and attended benefits." What this gentleman has been doing for five days in Imphal? Once Nagaland in the North-East was known for insurgency and underground move ment. Therefore, the Governor went underground in Imphal. Sir, when the serious question was agitating the minds of the people throughout the country, this Governor has not reached the capital of the State. He has failed miserably in his duty. When Mr. Buta Singh visited there, we made accusations in this House that he has tried to browbeat the members of the Assembly, the elected MLAs. He had stated that if at all there is a Government there could be a Government only by Congress party. Therefore, Sir, this Governor has behaved as a stooge, as an agent of the Central Government. One sentence on page 3 in this statement says "This information has been confined..." What do you mean by "confined"? Is it only to the Congress circle?

Sir, we heard the voice of a pained heart just now. Mr. Jamir expressed his anger saying we are accused people, that is, Nagas, the tribal people, we belive in the integrity of this country, we are also patriots and uncharitable utterances have been made against the MLAs. By whom? Not by the Opposition. By whom? By the Congress party. By whom? By the Governor? By whom? By the agent of the Central Government. Very uncharitable remarks and utterances have been made. Therefore he want on to say registering protest like this, "We are not *Chamchas*. We will not betray and we do not need advice from any expert. We do not need any manipulators here." These were the word of a man who was picked up by Pandit Nehru to be the Deputy Minister in the then Government. These are the words of a man who was the Chief Minister of the particular State, Nagaland. Hon'ble Mr. Jamir expressed his anger. Of course, he spoke true to his conscience. He accused that inner party democracy has been denied. Who are the culprits then? He has raised an accusing finger against the Government of India. Yes.. (*Interruptions*)... You please listen. I am coming to the point. *Interruptions*)...

SHRI S. C. JAMIR: I do not have any intention to raise my accusing finger against anybody (*Interruptions*)...

SHRI V. GOPALSAMY: All right. I do not want to embarrass him further. But I could understand the anger that inner party democracy has been denied. And who are the experts? Who is the expert who visited the place? The Surface Transport Minister who surfaced there. When the Surface Transport Minister surfaced there, the Governor went underground, Sir, therefore, the last election which was held in the month of November last year, according to my hon. friend, Mr. Jamir, who is a former Chief Minister of Nagaland, was very eypensive. Nagas took up arms sometimes back. The youths of Nagaland, a most sensitive area of this country, took up arms. At that moment, most of the youth were pacified. Sir, when the experiment of democracy failed there and when the majority party was expecting that they will be called by the Governor to form the Ministry, the whole State was expecting the action of the Governor, what is wrong in asking the Opposition leader to form the Ministry? The Congress (I) Party has lost the majority. It has been proved. Therefore, you have brought President's rule but the other side has not been given the oportunity. You are injecting again a frustration, loss of faith, loss of confidence in the minds of those people. (*Interruptions*)...

AN HON'BLE MEMBER: You are giving ideas.

SHRI V. GOPALSAMY: I am not giving ideas. Through your action, you are giving ideas. People are losing faith in democracy because of your action. Therefore, Sir, now you have liquidated democracy there But, Sir, I warn this Government through you, you are committing blunder after blunder in every part of the country, whether it is in Kashmir, whether it is in Andhra Pradesh, whether it is in Punjab, whether it is in Tamil Nadu, and now it is in Nagaland, you are committing blunder after blunder. (*Interruptions*).

SHRI V. NARAYANASAMY: In Tamil Nadu also? (*Interruptions*).

SHRI V. GOPALSAMY: Yes, you did not conduct the elections. You are destroying the basic principles of democracy. It is very very dangerous for the country and these experiments liquiated repeatedly democracy in one part or the other of the country, and is not going to help this country. So, you have to take a lesson again from the people. Some of our friends were referring about the Front also. The people are watching what is happening and what you are doing now. For these crimes you are going to be punished by the people. Now Nagaland is in your hands because Article 356 has been used by the President by this Government. But tomorrow you will lose your citadel in Delhi for these experiments. It is going to happen and the country is going to witness it. I condemn the attitude and the

7. P.M.

[Shri V. Gopalsamy]

action of the Government and therefore, I support Mr. Balaram. The man who has failed in his duty behaved like a military dictator because he is an ex-General. Therefore, he has used the words "political coup". A coup can happen only in Central American countries, not here. But he has used such atrocious words in his statement. For this action, the Government is going to pay very heavily in the future elections. Thank you.

SHRI BIJOYA CHAKRAVARTY: Mr. Vice-Chairman, Sir, it is true that I stand here to sing a requiem at the tragic murder of democracy by the Central Government. I call the 7th August a black day. Sir, I sense a sort of conspiracy to destabilise the north-eastern States and this promulgation of Presidential rule is a pointer to what I said just now.

Sir, I know the Naga people very well. These people are really very sensitive They are a fine people. And they are not hostil or killers as one of the hon. Members, on the poorest analysis, described them.

[**The Vice Chairman** (Shri Jagesh Desai) in the Chair]

I am really sorry for his comment. What is done to these people? Is there any morality? Is there any sense of justice? Do you see any small element of democracy in the action of promulgation of Presidential rule in Nagaland? Thirteen MLAs break away from the original party and they inform as such. As far as I know, the Speaker is the legal authority. He has also accepted it. They claim majority joining hands with others. But what does the report of the Governor say? I have not seen such a report. Even a Member from the Treasury Benches has expressed his unhappiness over the report. The Governor has no objection if the Members come one by one over a period of two days. Then certainly he would have given them a chance. But they came out on one day.

Even in this report he gives misleading distorted facts regarding the tradition and culture and character of the Naga people which are difficult to accept. It is a sort of insult. That is what I feel. Moreover, I think I am not wrong, to from Government in Nagaland the Congress Party accepted the support of four independent persons.

(*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SANTOSH MOHAN DEV): No. We ourselves had the strength.

PROF. C. LAKSHMANNA (Andhra Pradesh): What she is speaking about is Meghalaya.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Yes. It is a slip of the tongue.

SHRIMATI BIJOYA CHAKRAVARTY: Yes, I admit. It is in Meghalaya. While forming their Government they have no objection to accepting the support of independent Members. But while the Opposition want to take the support of independent Members, they have every objection. This shows their double-standards. In this way, they have killed democracy, they have scuttled democracy, in each and every part of the country. They try to throw the Constitution and morality in the dust bin. It is only wrong on my part to expect morality from Bofors-fame people. The Governor of Nagaland has acted more or less like the President of the Congress party, Sir. Even though the Members have formed a new party and sort of a front and claimed maojrity, they were never given a chance to prove their claim in the assembly, on a flimsy ground. In the most unceremonious way, the President was advised to promulgate Presidential rule in Nagaland. This has simply blackened the face of the Central Government. Of course, the face of the Central Government has already been blackened on different issues. It is a fact that the Home Minister, in whatever capacity, and the honourable Minister, Shri Rajesh Pilot, had gone there to pressurise the dissident MLAs to come back to their original fold. But having failed in their attempts probably they found no other alternative but to impose President's rule thus killing democracy in the process. I want to ask the Treasury Benches: What will they do if there is a split in the Central Government, in the Congress Party, here at the Centre? Therefore, I say the clamping of Presi-

dent's rule is most absurd, most unrealistic, most undemocratic. Even the Anti-defection Bill permits split and merger; there is freedom of speech. But it is not given here and this action on the part of the Central Government will surely destabilise our democracy.

SHRI CHITTA BASU (West Bengal): Mr. Vice-Chairman, I rise to register my disapproval of the Proclamation which is now before the House and I register my disapproval of this Proclamation precisely on six counts.

Firstly, by this Proclamation the legitimate right of the majority in the Nagaland Legislative Assembly to form a Government has been denied.

Secondly, this act has dealt a grievous assault on the foundation and basics of parliamentary democracy as conceived in our Constitution.

Thirdly, this is yet another example of blatant misuse of Article 356.

Fourthly, this act of Proclamation has once again proved that the Governors in the States are nothing but agents of the ruling party at the Centre.

Fifthly, it is very unfortunate that this Proclamation has followed the visit of two Central Ministers who administered threat and intimidation to the elected members of the Legislative Assembly of Nagaland.

And lastly, it is nothing but a fraud committed on the Constitution of the country.

On these six counts I rise to register my disapproval of the Proclamation. Now, in all humility I would ask the honourable Home Minister to once again go through the Sarkaria Commission Report which is very explicit on the use of Article 356. In their voluminous report they have mentioned all seventyseven instances of application of Article 356 out of which, according to them, only 21 may be justified in this way or that way, and in a majority of the cases Article 356 of the Constitution of the country was invoked only to subserve the purpose of the party at the Centre. The main theme and thrust of the recommendation of the Sarkaria Commission was that Article 356 should be applied or invoked very sparingly, most reluctantly, most grudgingly. And that too, Sir, when all the options, when all the considered options to form the Government with the majority support of the legislative Assembly, are exhausted, article 356 can be invoked; then and then alone can it be evoked for the continuance of the Government. That is ..the thrust that is the main theme of recommendations of the Sarkaria Commission.

Sir, I leave it to you to decide whether that very touchstone which has been laid down by the Sarkaria Commission in its recommendations has been applied in the case of this particular Proclamation in relation to the State of Nagaland. I am quite aware of the limitation on my time, Sir, and, therefore, I would be very brief.

My third point is this: the Governor and his speech. In the course of his speech, you might have observed, he has referred to the very extensive use of money and the lure of office. I do not find my very honourable friend, Mr. Jamir, here now. But I wish to quote him also. So far as the "very extensive use of money and lure of office" is concerned, the Congress (I) is the original sinner. They are the original sinners and yet they say that others have sinned. Now, Sir, I want to repeat what Mr. Jamir, the former Chief Minister of Nagaland, and an honourable Member of this House, said. Just immediately after the Nagaland election in 1987, Mr. Jamir is on record as saying that there was a free flow and extensive use of money and it is this Mr. Jamir who accused the Congress (I) Party, being a member of the Congress (I) Party, of committing this sin, the sin which you have committed, which you do commit and which, I know, you will be committing. Therefore, if the Governor says so, I am helpless and he has done it under a severe threat from you. So far as the Report of the Governor is concerned, you will see—Mr. Santosh Mohan Dev will be very angry with me—that it appears as if it has been prepared

[Shri Chitta Basu]

by the AICC(I) office, as if it is a Press communique on behalf of one of the General Secretaries of the Congress(I); It is nothing but a Press communique issued by the AICC(I) office and I can produce it.

Sir, the Governor, with all humility I say, has usurped the right of the Legislature. The Governor has usurped it. In what sense? It is the floor and only the floor of the Legislature which can determine the majority and the minority and it is the right of the Legislative Assembly and no parliamentary democracy can concede depriving the Legislature of that inherent and inalienable right. Yet the Governor comes and usurps that right which actually belongs to the Legislature only. Therefore, he is an usurper and he has usurped the right of the Legislative Assembly.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, say "lastly". Only two or three points in two or three minutes!

SHRI CHITTA BASU: Why? Does it strike you very strongly?

Sir, this Governor appears to be ideologue issuing sermons! He is issuing sermons as if he is an ideologue of some political philosophy like yourself or myself. But the question is that the Governor is not a political ideologue. He is merely a Constitutional head. But he speaks as an ideologue! I also would refer to Kerala. Has the Congress Party any ideology of its own by combining to enjoy governmental power in Kerala with an extremely communal party like the Muslim League or an extremely communal party like the Kerala Congress? And yet the Kerala Governor then—might have been somebody of Tamil Nadu—did not raise that question that the Congress Party in Kerala is devoid of an ideology. And so far as you are concerned, who will determine what is your ideology? You have been surrendering to the communal forces. You are compromising with the forces which are working against the unity and integrity of the country. You are always betraying the cause for which the freedom movement was launched. And you are bereft of all ideology. You have got no loyalty, no ideology, except to worship one person, excepting to cling to power except to become yes-men and cohort. That is your ideology, except to worship the person, sermons to say that this party of 13 members, after coming out of the Congress fold, is devoid of ideology. This is all for personal aggrandisement. Sir, this is very unfortunate that the Governor is doing this kind of thing. The Governor has not only usurped the right of the Legislature, but he has also usurped the right of the Speaker. The Speaker is the guardian of the House. Sir, you are our guardian. I think we don't try to usurp...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): That point was made here.

SHRI CHITTA BASU: You must understand that the Speaker recognized that as a distinct political group. But the Governor asks: is it registered by the Election Commission, is it registered by anybody outside?

The Governor brings extraneous considerations. The political party exists, the political party will exist in the Legislature, with the consent of the presiding officer. Now the Governor in this particular case has usurped the right of the Speaker. Here I find one person, an honourable person, who is saying that the Speaker was also involved in a conspiracy of political coup. Sir, you should guard your position well. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): So far as my position is concerned, it is well guarded. Don't worry about that.

SHRI CHITTA BASU: A charge may be there against you, Sir, that you are conspiring with me that I can speak more. (*Interruptions*) I do not want to cause you any harm.

Lastly, Sir, this Governor was the head of the State. And this Governor accuses now that some of the 13 MLAs were linked with the underground insurgents in Nagaland. (*Interruptions*) Yes, yes. He says in one paragraphs that some of

SHRI CHITTA BASU

these 13 members who have left the Congress—some of them were Ministers and some were legislators and some Deputy Ministers... (*Interruptions*) I have read it.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): If facts are not correct, that will go against him. Don't worry about that.

SHRI CHITTA BASU: He was the head of the Government. He allowed these Ministers to work in a way detrimental to the interests of Nagaland and of the country. He did not instruct or advise the Chief Minister of Nagaland, Mr. Hokishe Sema, to take action against these persons, against whom he now brings in an allegation. He is also violating his own Government's policy—I mean the Governor. The Governor says that Mr Hokishe Sema was successful in establishing relations with a section of the underground Nagas. That is the policy of Nagaland. If Mr. Hokishe Sema can maintain contact with a section of the underground Nagas, that Hokishe Sema is a patriot. He is a patriot. If Mr. Jamir or somebody whose name I have forgotten, has some relationship or is in some kind of contact with them in order to bring them back into the national mainstream, then he will not be a patriot because he has left your party and joined another party and this creates a condition for the toppling of the Government. Therefore, this Government always indulges in double-talk. It has got no ideological moorings. It makes use of the constitution to subvert parliamentary democracy. It always takes advange of the constitution to subserve the partisan interests of the party. And, therefore, in all humility I would submit tis Proclamation should be withdrawn in the interests of people of Nagaland, in the interests of democracy and furthermore after hearing Mr. Jamir, in the interests of bringing the people of Nagaland into the mainstream of Indian polity which is the most urgent political necessity at the moment.

SARDAR JAGJIT SINGH AURORA (Punjab): Mr. Vice-Chairman, with all sincerity and with a very heavy heart I have to say that this imposition of President's rule in Nagaland under the circumstances as mentioned, is a rape of democracy; it is a rape of democracy. And I say that with all sincerity and when we are discussing a subject of this serious nature, it must be lifted beyond the partisan aspect. I must say I am amazed, disappointed and disgusted to read the Nagaland Governor's communication of 6th August 1988 to the President of India recommending the dissolution of Nagaland Assembly and imposition of President's rule. All the norms of parliamentary Government have been thrown overboard. What surprises me is that on 30th July the breakup of the Congress Party took place. Till 6th August the Governor remains in Imphal and does not move to Kohima to study the situation personally. Even when the Home Minister and Shri Rajesh Pilot were camping in Kohima to pressurise the congress dissidents, the Governor did not deem it necessary to come over and study the situation for himself. I wonder: was it to keep out of it that the horsetrading was going on? As a large number of speakers have already spoken about the various aspects, I do not wish to repeat them. But going through the communication there are certain points that I feel I must comment upon. I may mention here, as I had done earlier on, that I had the privilege of serving in the tribal areas of Nagaland over a considerable period between 1961 and 1973. I have always had a very high regard for the honesty and character qualities of the tribal people and I was, therefore, extremely pleased and gratified when the honourable Mr. Jamir very honestly got up and said what he felt about it. Sir, you must realise that the tribal mind is a simple mind. It does not go into various political machinations when he is deciding on any issue. He either likes you or he does not like you. He either thinks a thing, is right or it is wrong. He does not have too many shades of grey. There is no doubt in my mind and it is

[Sardar Jagjit Singh Aurora]

true that during the British time, the Nagaland and other hill Statees in the East were kept segregated by the British. It is also true that they came under the influence of missionaries. But what I can also tell you is that the missionaries did teach them a great deal about honesty and character. And, therefore, when you meet them, you realise that they have certain values which we are apt to forget when we are talking about our politics. And that is why I feel so upset that in this communication certain remarks have been made which, to my mind, have been very unfair on the tribals. Similarly, certain remarks have been made or certain statements have been made which are so contradictory that I am surprised that they have come from a person like Gen. Krishna Rao with whom I had the pleasure of serving. He was my student at the Staff College when he was a Major. He was a brillian Divisional Commander during Bangladesh operations. And before that, he was the Divisional Commander in Nagaland, and was very highly thought of. Therefore, I am extremely surprised and somewhat dismayed that he should have made those remarke. Now, Sir, you look at this thing when he talks of toppling a "constitutionally elected ruling party Government forging an alliance of convenience with the Opposition, with an eye on offices of profit and attendent benefits." Okay. Out of the dissident group of 13, he goes on to say that there are Ministers—so, they have an office of importance—one Ministers of State, one Deputy Speaker and six one Chairman of various Corporations. So, if they already have this office of profit and they have still changed, maybe they are upset about something else. Therefore, to make, statements like these one aftr the other which are so contradictory, I just cannot imagine how he did it. Therefore, one has to accept that if this sort of a statement has come about as he reasons for recommending that the President's Rule should be imposed, it is totally faulty. Then he goes on to say—"undemratic methods having been used by the Opposition to pressurise and threaen the Members of Legislative Assembly and obtain their support." Well if you know the Naga—and I have known the Nagas—you cannot pressurise them. This i an incorrect statement. In fact, if you pressurise them, they will certainly revolt against it. Then he goes on to say: "He has stated that even now the Members of Legislative Assembly have been kept under forseible confinement by Shri K. L. Chishi and Shri Vamuzo and that ne has not been able to meet them." "He" means the present Chief Minister. If he is the Chief Minister and he cannot arrange to meet them when he is in power and in command, well, there must be something wrong with him. I don't mind telling you, having known Mr. Hokishe Sema—he was the Chief Minister when I was the Army Commander—I doubt that he is such a forceless person. Then it goes on to say that they never wanted to take the drastic step of leaving the party for the resolution of any of their problems and expresed their desire to return to the parent party but have not been able to do so. It is again absolutely wrong. It can never happen. I am surprised that he is why I say the whole thing is full of contradictions, it goes on to say that it is obvious that it is what may be called a political coup of the darkest hue which has been staged in his absence contrary to the nable Naga character and democratic traditions. Well, the point is this that these 13 people and 16 from the other side, they formed a very large part of the Naga elected MLAs and majority of them in that State and if you are going to pass some scurrilous remarks of this nature you cannot expect... (*Interruptions*). And these thirteen people, according to the Governor now, are the one who are despicable because they have links with the terorists and they have also behaved in a manner which, according to them is below the character of nay hon. person, those same 13 people. So, Sir, all I am going to say is that after reading all this, what is the impression one is left with? I think there is nothing more shameful for a democratically elected Government than to throw all democratic norms to the wind and foist the President's rule when the Opposition party had a clear majority. Unfortunately, it was not allowed to prove it on the floor of the House. The Governor stayed on in Imphal when the crisis was in Kohima.

The Home Minister and Shri Rajesh Pilot tried hard to patch up the break up in the Congress Party. The Governor was kept out of it. It is totally wrong to stop the Governor from carrying out his normal functions. In fact, if I may say so, you have brought the office of the Governor into disgrace, though not for the first time. What hurts me even more is that a retired Chief of the Army Staff has been persuaded to act in the partisan manner which brings the Hon'ble office of the Chief of Army Staff into disrepute. Don you realise how much damage you are doing to the Constitution of the country? You are also jeopardising the integrity of the country. As mentioned by me earlier, I would like to reiterate that the people of the Eastern States, a vast majority of them are tribals, they had little to do with India during the British rule. In the last 40 years of Independence you have not projected a good image of ourselves because of our propensity to forget moral and constitutional standards and try to manipulate politics to keep the Congress Party in power to the exclusion of all democratic norms. As a result, you have totally vitiated the politically atmosphere in these States. The behaviour of the Central Government in this case is shameless and harmful to the fair arms of the country. Why does the Government indulge in low and despicable trickery? Thank you.

श्री भंवर लाल पवार (राजस्थान) : माननीय उपसभापति महोदय, आपने इस विषय पर मुझे बोलने का अवसर दिया, इस लिए मैं आपको धन्यवाद देता हूं।

महोदय, समय की कमी के कारण मैं केवल इतना निवेदन करना चाहूंगा कि कांग्रेस भारतवर्ष के अंदर नहीं विश्व में एक लोकतांत्रिक संस्था के रूप में उभर कर ऊपर उठी है। कांग्रेस ने पंजाब में, असम में अपनी पार्टी की कास्ट पर चुनाव कराये और लोकतांत्रिक मूल्यों को स्थापित किया। गृह मंत्री जी का यह रेजोल्यूशन पूर्णतया संवैधानिक है और उसके अनुरूप है और मैं इसका समर्थन करता हूं। कांग्रेस पार्टी एक विशाल समुद्र है जिससे गंगा का पानी अन्दर घुसता है लेकिन गन्दे पानी के नाले की गन्दगी को छोड़ उस अन्दर नहीं रहने देती है उसको किनारे पर डाल देती है वह काई का काम करती है जो पर फिसलने का काम करती है। यहां कांग्रेस पार्टी कांग्रेस सरकार इस प्रकार का सही कदम उठा कर लोकतन्त्र को कायम रखेगी इसी भावना से मैं इस का समर्थन करता हूं।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): The discussion on the Resolution is concluded. The Minister will reply tomorrow.

The House is now adjourned and we will meet again tomorrow at 11 A.M.

The House then adjourned at thirty-six minutes past seven o the clock till eleven of the clock on Tuesday, the 9th August 1988.